



**Town of Nantucket  
Finance Committee**

**Agenda of the Finance Committee  
Meeting of Monday, February 2, 2015  
4 Fairgrounds Road Community Room  
4:00PM**

1. Call to Order.
2. Public Comment.
3. Approval of Minutes from Meetings on January 20 and January 22, 2015.
4. Committee Reports.
5. Declaration of Emergency Situation to Allow Deficit Spending for Snow Removal Budget
6. Review of 30% of Town Share of Room Occupancy Tax for FY 2016
7. Review of Warrant Articles for 2015 Annual Town Meeting.
8. Discussion of Finance Subcommittee on Pensions.
9. Date of Next Meeting: February 3, 2015.
10. Adjournment.



## Town of Nantucket Finance Committee

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Committee Members:** Matthew T. Mulcahy (Chair), David Worth (Vice-chair), John Tiffany, Christopher J. Kickham, Clifford Williams, James Kelly, Stephen Maury, Craig Sperry, Joseph T. Grause Jr.

### MINUTES

**Tuesday, January 20, 2015**

Cyrus Peirce Middle School Cafeteria – 4:30 p.m.

Called to order at 4:30 p.m.

Staff in attendance: Brian Turbitt, Director of Finance; Martin Anguelov, Assistant Finance Director

Attending Members: Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Sperry, Grause

Absent Members: None

Late Arrivals: Sperry 5:15 p.m.

Early Departures: None

Documents used: Copies of January 8, 12, & 13, 2015 minutes; Police Department Proposed FY2016 Budget; Harbormaster Proposed FY2016 Budget.

#### I. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMITTEE AT THIS TIME

None

#### II. APPROVAL OF PRIOR MEETING MINUTES

1. January 8, 2015 – **Motion to Approve.** (made by: Williams) (seconded by: Worth) Carried 8-0
2. January 12, 2015 – **Motion to Approve.** (made by: Williams) (seconded by: Worth) Carried 8-0
3. January 13, 2015 – **Motion to Approve.** (made by: Williams) (seconded by: Worth) Carried 8-0

#### III. COMMITTEE REPORTS/OTHER BUSINESS

1. Contract Review Committee, Kickham – Have done site inspections and assembly reports about the visits.
2. Sewer Workgroup, Worth – The last meeting had a very lengthy discussion about different scenarios on how to allocate cost. Discussion about some of those options.

#### IV. REVIEW OF POLICE DEPARTMENT AND HARBORMASTER FY2016 BUDGETS

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Sperry, Grause

Discussion **William Pittman**, Police Chief – Reviewed the mission, goals and accomplishments of the Police and Marine Departments and Emergency Management over FY2015. Dredging of Polpis Harbor has been put off to Fall 2015 due to property easements required. There has been discussion about filling the Beach Manager position as summer of 2014 further underscored the need for a more comprehensive approach to beach management. Federal requirements for emergency preparedness exercises both live and table top have increased. Addressed problems with the High School shelter, which is a high-occupancy shelter, and need for smaller buildings properly equipped to be used as small temporary shelters. Explained the licensing inspector position and the increase in responsibilities beyond Entertainment, Taxi, and Liquor Licenses; in FY2016 the title to Business Licensing Inspector and the request is to make it a full-time position.

**Tiffany** – The Polpis Harbor dredging was authorized in FY2014; asked if there is still enough money for that.

**Pittman** – The money is in place for that. Need to find capital for the dredging for Children's Beach.

**Tiffany** – The dredging for Children's Beach was authorized in FY2015.

**Pittman** – Yes, but a chunk of the available fund was spent on the engineering study of the entire harbor front; something that had not been anticipated. Will have to come back for more money next year or find alternate funding; and that work won't get started until the next fiscal year.

**Worth** – Brought up the point of where to put the dredged sand.

**Pittman** – An area has been identified as having the same type of sand; need easements from the property owner. Children's Beach is an issue because there is a possibility of going around Brant Point but don't know how much more sand it can hold.

**Worth** – In the lifeguard program, asked if priorities are given to qualified locals.

**Pittman** – Yes, in this year's budget, we are proposing putting together a Junior Lifeguard Program, to increase interest of local swimmers in the lifeguard program.

**Worth** – On the waterways projects Aid to Navigation Program, asked if there has been any thought to extending the No-Wake Zone out to the end of the jetties.

**Pittman** – Part of the project to raise the jetties is to dredge out and widen the channel. Dredging of the channel will start in April and go through the summer.

**Pittman** – Have the new response boat on a trailer mid-island so it is accessible from all points of the island. Reviewed the status of the emergency alert system: funding and installation. Maintaining sworn police officer staffing levels is a serious problem; housing is the main issue. Discussion about retention issues resulting from lack of housing.

**Grause** – Asked about the metrics in terms of size and scale of the department.

**Pittman** – Explained that 2.5 officers per thousand residents is considered good staffing.

Nantucket has 3 per thousand in the winter; however, in the summer it drops to .04 per thousand. Vacations for officers aren't allowed in the summer and training is not held in the summer. Even in the winter there is a lot of work.

#### FY2016 Budget

**Kickham** – Asked if the proposed Beach Manager's position would require a specialized vehicle.

**Pittman** – No, a pick-up would suffice; probably would allow the manager to use an ATV on the beach as well.

**Williams** – Looking at the utility budget for the Harbormaster; it averaged about \$5600 over the last few years and suddenly it is \$8600. Asked what that is for.

**Pittman** – There are three houses, harbormaster building on Washington Street, and building at Jetties Beach.

**Tiffany** – On the Low Beach Housing Revenue, it dropped from \$70,000 in FY2015 to \$33,000 in FY2016. Asked why that is.

**Pittman** – When preparing the FY2015 Budget, we took a comprehensive look at revenues and trends and believed that figure to be attainable. For FY2016 we have adjusted the budget down to better reflect the trends we have seen in the past three years.

**Tiffany** – Beach Improvement revenue is dropping.

**Pittman** – That can be attributed to the fact there were only two beaches where people can drive because of the proximity of nesting birds or owners closing them off. People don't buy the beach passes if they can't drive on the beach of their choice. It will continue to decline as long as we keep closing beaches for public access.

**Sperry** – Asked if the centralized dispatch is all on the police budget or broken up.

**Pittman** – It is all on the police budget. There are three vacant unfunded officer positions still reflected on the Police Department spreadsheet and we are not asking to fill those; the dispatchers are fulfilling these duties.

**Williams** – Asked the Chief about the Heroine problem on the island.

**Pittman** – This is like any drug; we tend to see cycles. What we're seeing now with Heroine is it is a cheaper drug in place of Oxycontin and prescription drugs. The Narcan has helped to save several people from overdose.

**Mulcahy** – Referenced an article about the increase in the cost of Narcan; asked how that is affecting NPD.

**Pittman** – The hospital supplies the department with Narcan and the local pharmacies have offered to assist.

**Kelly** – When the hospital started the program with the department, people questioned if it was necessary. If it hadn't been started, people would have died. Asked his opinion on drug use in general; during the recession, he was talking to Jerry Adams about the decline in crime and drug cases. Lt. Adams said that with the recession, people left and the dealers lost their customers. Now the economy has picked up.

**Pittman** – Where you see a lot of the drug use is in the construction trade and construction has picked up since the recession. The summer crowd is a completely different issue. We have studied the cycles and Nantucket usually follows trends that we first notice on the mainland; however, we are aware that it is coming to the island. As an example, in New Bedford, a cut of Heroine costs \$10, here it's \$100 and people are still paying it.

**Kickham** – Asked Chief Pittman to comment on Keith Mansfield's canine article.

**Pittman** – He personally doesn't support the article. Traditionally after a canine team serve a tour of 8 to 10 years, the canine is retired and generally either awarded to the handler or it can even go to bid. Feels that should have been a collective bargaining issue.

**Kickham** – Asked what the fluctuation might be on the cost of ammunition.

**Pittman** – Ammunition is getting expensive, the supply is getting tight, and delivery is delayed. Generally the department orders 5000 rounds of each type needed for one year. Whenever he sends a new officer to the academy, he has to send along 2000 rounds and he has 7 people at the academy and had to send 14000 rounds. Right now he is replenishing his supply.

**Williams** – Asked about the cost of caring for a police canine.

**Pittman** – Said that food is the reward for accomplishing its trained task. The Handler Stipend helps cover the cost of food used for reward during off-hour training and caring for the dog.

**Tiffany** – In regards to the salary seasonal beach patrol under beach improvement, it went from \$64,225 in FY2014 to \$59,292 in FY2015.

**Pittman** – There was some in the police budget, part in beach improvement, part in ferry embarkation, it was all over the place. Now it is all coming out of either the beach or ferry embarkation revolver.

**Sperry** – Asked about the education pay for the deputy chief.

**Pittman** – Under conditions of the contract, the deputy chief, who has a JD, is entitled to 25% additional funds as a result of the degree; 100% of that 25% is paid for by the Town because the State stopped funding that. Patrolling sergeants and the chief's contracts are written differently so that the Town only pays a small percentage of the stipend. When the State stopped paying, officers took a 12.5% pay cut.

**Tiffany** – Noticed that the balance of beach improvement projected over time is coming down.

**Pittman** – The actuals this fiscal year are going to be a little higher than anticipated. Suggested the Board of Selectmen might review the fee structure.

Pointed out two changes: date for dredging for Polpis Harbor and number of seasonal employees coming out of the ferry embarkation and beach revolver. On the latter he got that increased from 33 to 35 to assist with permit sales.

**Sperry** – As far as the retention of officers, in November of last year there were 7 candidates. Said he assumes there is money in the budget for them.

**Pittman** – Yes.

**Kelly** – Asked if the department is looking at the opportunity to do more permit sales on line.

**Pittman** – Yes. Pointed out that charging less and keeping it simple on line might increase sales.

**Williams** – Asked if there was any thought of making mooring or shellfish permits last three years.

**Pittman** – It could be; some states do hunting and fishing licenses that way.

**Kickham** – In the line item parking clerk, there is a reduction. Asked what the reason is for that decline.

**Pittman** – The reduction is because of the change made in the parking ticket hearing process. They were able to cut \$3,000 out this year. Reviewed some of the other changes made.  
Discussion about security against hacking of department computers.

#### V. DISCUSSION OF FORMATION OF A FINANCE SUBCOMMITTEE

The purpose would be to research, analyze, and make recommendations to Board of Selectmen (BOS) regarding personnel pensions and housing.

Sitting **Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Sperry, Grause**

Discussion **Mulcahy** – In Spring 2013 the idea was posed to form a Personnel Compensation Committee (PCC); that committee was formed but didn't "get off the ground." Maybe we need FinCom to create a subcommittee to look into different aspects of personnel compensation. This would be an opportunity to examine what other communities are doing.

**Williams** – Stated that people look at the wage and compensation handout at Town Meeting and see people making over \$100,000 with no apparent administrative responsibility. His personal expectations of the PCC were that it would at least come up with criteria for a pay cap on non-administrative jobs.

**Mulcahy** – Whatever this sub-committee does, he would want to narrow the focus initially.

**Kelly** – The two topics are diverse. Pay and compensation are critical to retention of employees. Feels pay and benefits are separate subjects.

**Worth** – Asked if there is a housing committee.

**Tobias Glidden, BOS** – There are two small committees that narrowly address housing. ReMain is leading a study along with Housing Nantucket to understand housing issues to include looking at Town sites in regards to a possible apartment complex. Community Foundation is giving Housing Nantucket information and funding a housing needs assessment. The BOS wants all the information back before creating a housing taskforce.

**Tiffany** – He was on the PCC for a time and it became apparent that administration wanted the committee to do a wage survey. In his opinion a wage survey is useful only to administration. The issue here is that the committee has to have some autonomy because there are a lot of different interests that want to influence the dialogue about personnel compensation.

**Sperry** – He served on the PPC; they started out strong but the wait for the wage study took a very long time and momentum was lost. Another problem was sharing sensitive information with Union Representatives and that inhibited discussion. There is good information in the wage survey that compares Nantucket with other communities. Likes the idea of narrowing the focus; likes adding housing.

**Glidden** – One thing he feels has hindered the PCC was the idea that health insurance and pension are "eating up the town operating budget." He would like to know exactly what that means. He hopes this new committee would give the BOS a better perspective of what percentage of the operating budget that entails.

**Kickham** – Housing efforts seem to be departmental; it would be nice for them to have guidance on how to approach that. Looking at the Police Budget, the dispatchers were all hired at the same time; since there is no stagger in salary; that number is going to go up as a group. He's in favor of the new committee.

**Kelly** – If this sub-committee can provide the comprehensive information, the BOS can make the policy decisions.

**Glidden** – Sometimes there is a lack of communication between FinCom and the BOS.

**Mulcahy** – If there is a perception that communication between the two boards is not optimal, FinCom needs to work on that. That is a different discussion.

**Worth** – The Town has a tendency to form a lot of committees to study things. The up side is that we reach out to the community. The down side is that there is not enough "bandwidth" in Town Administration to coordinate all the committees and information; there seems to be no way to drive that information to policy.

**Glidden** – The BOS needs information within a certain time frame; the committees might take so long that when they finally bring their report to the BOS, the need has passed. It is important to get the information at the right time.

**Worth** – What he would do is have limited and important focus areas that need to be tackled; keeping it narrow allows the committee to get the report to the BOS in a timely manner.

**Kickham** – A committee might do its work and provide a final report, but it conflicts with policy or the direction of Town Administration. It will take time to be further evaluated and the process gets further delayed.

**Maury** – He feels it might be foolish for this committee to set a course without direction of the executive portion of Town government. If it is the will of the BOS that FinCom study something, there is a willing group available. He believes FinCom should wait to be called or asked.

**Mulcahy** – The Chair of the BOS Rick Atherton supports the formation of a sub-committee.

**Tiffany** – Agrees with Mr. Maury. Any study like this not accompanied by decision making is a waste of time. The specifics need to be driven by the decision makers. Also, the choice of chair of the committee is key as that person sets the tone for the committee.

**Turbitt** – Pointed out that Finance started in September with a revised 5-year forecast. The forecast is important in that it would help determine whether or not the Town can afford to do everything it wants to do.

**Kelly** – In his experience, the governing body forming the committee would write the mission statement, list the resources, expected deliverables, and timeline. It will be the Chair's duty to stay in touch with the BOS to ensure the committee stays on track.

**Williams** – Thinks FinCom and the BOS should meet together at least once a year to ensure FinCom priorities match those of the BOS.

**Glidden** – The BOS has priorities, but communication doesn't work as smoothly as it should; he thinks a joint meeting is a good idea.

**Grause** – Agrees with what's been said. Also agrees that the focus of the subcommittee should be kept narrow.

**Mulcahy** – there are two directions at this time: 1) request an agenda item with the BOS to get a public request or 2) form the subcommittee at this point and let the BOS know. In his discussions with Mr. Atherton, the subject of pension and housing was set forward as a focus.

**Kelly** – Thinks it's prudent to go back to the BOS and ascertain what information and priorities they are looking for.

**Worth** – Doesn't think "pensions and housing" is specific enough. Those are broad subjects.

**Kelly** – Housing is a community-wide problem; he personally would lobby for that as the main focus of the subcommittee.

Discussion about what "housing" as the first focus for the subcommittee would entail.

**Mulcahy** – The BOS will hear about this discussion and FinCom will wait for a request from them.

#### **VI. REVIEW OF CITIZEN WARRANT ARTICLES FOR 2015 ANNUAL TOWN MEETING (ATM)**

No discussion.

#### **VII. NEXT MEETING DATE/ADJOURNMENT**

Date: Thursday, January 2, 2015; 4:00 p.m.; 4 Fairgrounds Road, Community Room

Topics: Wannacomet & Sconset Water Enterprise Funds Budget Review; Sewer & Solid Waste Enterprise Funds Budget Reviews

Adjourned 6:33 p.m.

Submitted by:

Terry L. Norton



## Town of Nantucket Finance Committee

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**Committee Members:** Matthew T. Mulcahy (Chair), David Worth (Vice-chair), John Tiffany, Christopher J. Kickham, Clifford Williams, James Kelly, Stephen Maury, Craig Sperry, Joseph T. Grause Jr.

### MINUTES

**Thursday, January 22, 2015**

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:00 p.m.

Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Martin Anguelov, Assistant Finance Director; Terry Norton, Town Minutes Taker

Attending Members: Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Sperry, Grause

Absent Members: None

Late Arrivals: Maury 4:02 p.m.; Kelly 4:24 p.m.

Early Departures: None

Documents used: FY2016 Budget Wannacomet Enterprise Fund; FY2016 Budget Siasconset Enterprise Fund; FY2016 Budget Solid Waste Enterprise Fund; FY2016 Budget Sewer Enterprise Fund.

#### I. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMITTEE AT THIS TIME

None

#### II. APPROVAL OF PRIOR MEETING MINUTES

1. None

#### III. COMMITTEE REPORTS/OTHER BUSINESS

1. Audit Committee, Mulcahy – Next meeting scheduled for January 27 at 9 a.m.

#### IV. REVIEW OF WANNACOMET AND SIASCONSET WATER ENTERPRISE FUNDS FY2016 BUDGETS

1. Wannacomet Enterprise Fund

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Sperry, Grause

Discussion **Bob Gardner**, Manager Wannacomet & Siasconset Water Companies – Introduced Heidi Holdgate, Business Manager; Allen Reinhard, Nantucket Water Commission Chair; and Noreen Slavitz, Nantucket Water Commission member. In talking about the FY2016 Budget for the Wannacomet Water Company (WWCo), it is unique in that it doesn't account for J Curtis Glidden who has retired after over 40 years of service. FY2015 is the last of what he calls heavy-capital budgets for a while; enumerated the capital projects that are now complete. FY2016 Budget transitions to maintenance. Looking at the rate structure, maintenance plan, regulatory permits are coming up for renewal, and other regulatory requirements. Putting the next-phase capital plan together. FY2016 reflects debt payment on new water supply and a new administration building. A home rule petition is being discussed to merge Wannacomet and Siasconset.

**Tiffany** – No rate increase has been built in but an overall revenue increase of about 13.5%.

Asked how that is occurring.

**Gardner** – The revenues have several sources: meter/water sales and he is predicting FY2015 will end up about \$4.2M in revenue and looking back 3 years, the increase has been about 6%. Given there are more customers now, he is projecting it will be a good year. The caveat is weather. Another factor is fire suppression systems; requirements are different and they are seeing more connections.



**Williams** – The system has been replaced with new plastic materials; he asked what the life expectancy is.

**Gardner** – They should last 100 years; there are pipes from 1882 still in use. A water main should last 100 years; the problem is the lines and hydrants last only 50 years.

**Williams** – With the new infrastructure, asked what the capacity is.

**Gardner** – He believes, based upon capacity in storage and pumping, capacity is around 600M gallons a year. The seasonality factor gets to be difficult to pinpoint. The current permit allows for a year-round population of 7,800 to 7,900 people with a seasonal population of 12.2. It comes down to gallons per person per day which is difficult because of the irrigation systems. Normally we're around 500M gallons a year and can pump 4M gallons a day.

**Worth** – It seems the risk factor is the withdrawal. Asked if there is a permitted withdrawal amount; are we close to it; and are we inadvertently triggered restrictions on amount of water.

**Gardner** – With the second tank, we can be flexible with the amount. Today the maximum pumping capacity is 2.8M gallons a day and we have reached 4M gallons a day. There are more year-round residents on the system now than there were 15 years ago. We are within 25% of exceeding the permit; use drops off so much it balances out.

**Worth** – Would like to hear why there isn't a policy to encourage people to use their own wells for irrigation.

**Reinhard** – Any reduction in the amount of sales of water through encouraging use of wells would have an impact on the rate payers. Admitted they hadn't thought about why they would want to discourage customers from using water.

**Worth** – The Department of Environmental Protection (DEP) has stated they would use rate increases to enforce conservation. On one hand we have a fiduciary responsibility to the rate payer; on the other hand, if we bump up against the withdrawal limit, we have the State encouraging the increase in rates to encourage conservation. He does not feel it appropriate to allow people to pump out our resources to water their yards.

**Reinhard** – It is ultimately the customer's financial decision as to whether or not to pay the rate or put in an irrigation well. He said the commission will take this under consideration in regards to developing a policy for irrigation wells. Pointed out that it all depends on build out, the residents demanding Town water, and what the water table can sustain.

**Gardner** – The WWCo water supply has two purposes: 1) public health first and foremost; 2) public safety; it is also a key element in economic development and health of a community.

**Slavitz** – Asked Mr. Worth if 25% is an issue and is FinCom afraid the water company won't be able to do what they do.

**Worth** – It is hard to parse where the DEP discussion is going; but there's a withdrawal permit, issues with population, and the potential for a mandatory rate increase to enforce conservation of water. Though we are not up against it, he would like to see people forced to make the decision about whether or not to irrigate from Town water or a well. Asked what was the highest pumped amount.

**Gardner** – The highest pump day was 4.2M two years ago.

**Slavitz** – The Commission is working closely with the DEP to ensure there is enough water for their customers and the island. The commission can forbid its customers to water their lawns but not if they are coming off a well.

**Mulcahy** – This is fascinating but this is a discussion for another time.

**Grause** – In regards to pension benefits; asked if the WWCo employees are separate from the rest of the town.

**Gardner** – Our employees are part of Barnstable County Retirement System.

**Grause** – If you are part of the overall employee group, the shortfall affects WWCo employees.

**Gardner** – We are assessed and it is provided by the finance department.

**Tiffany** – On the summary sheet under inventory, it shows a 57% increase; asked what that is for.



**Gardner** – Inventory is for pipes, supplies, and repair parts; the increase is resulting from the transition to maintenance. That jump should not be repeated.

**Tiffany** – With the loss of the long-term employee and he has a work force that is not young. For him succession planning is a big issue; that should be as important an initiative as other projects.

**Gardner** – Agrees. He has 18 months left and two other employees facing retirement. All that knowledge will be lost and there is a need to have the right people ready for those positions.

**Sperry** – When the bills go out, there is a water and sewer charge on the bills. A couple of years ago there were a number of people who weren't being charged for their sewer. Asked if that has been rectified.

**Gardner and Kara Buzanoski** – Yes, they have picked up people who were on the sewer for a number of years. Everyone on sewer is now getting a bill. Also in a process of tightening that up.

2. Siasconset Enterprise Fund

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Sperry, Grause

Discussion **Bob Gardner** – There is discussion as to formally merging 'Sconset with WWCo; there are no  
(4:48) 'Sconset employees. The last capital project has been completed: renovation of the pump house. The one capital issue is a meter upgrade for about \$180,000.

**Mulcahy** – Asked about moving the water lines along Baxter Road.

**Gardner** – The water main is well past its life expectancy; they have a stock of pipes on hand and a plan to lay the pipe within a day to provide temporary service if needed.

**Worth** – Asked where the revenue from sale of the former water tank property appears.

**Gardner** – The 'Sconset debt will be substantially reduced. The 'Sconset Water Commission's plan is to use those proceeds for rate stabilization. 'Sconset rates are some of the highest in the state.

**Tiffany** – There is a substantial difference in rates between the 'Sconset and Wannacommet; asked if the rates would remain separate after the merger.

**Gardner** – Ultimately the goal would be to have a single rate. He will have to put the budgets together to ascertain what that rate would be.

**V. REVIEW OF SEWER AND SOLID WASTE ENTERPRISE FUNDS FY2016 BUDGET**

1. Solid Waste Enterprise Fund

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Sperry, Grause

Discussion **Kara Buzanoski**, Director Department of Public Works (DPW) – Recent BOS negotiations  
(4:56) with Waste Options has allowed them the rates for disposal of construction and demolition debris (C&D) to be competitive. FY2016 has projected revenue of \$3.4M with expenditures of \$8.9M leaving \$5.5M ; the two existing overrides will generate \$3.23; the tax levy and general subsidy will generate \$1.58M; the general fund pays the entire cost of landfill mining. The solid waste fund retained earnings is \$1.78M. Utilities have gone down; there has been an initiative to change out to LED lights at the facility. Repair and Maintenance went up.

**Mulcahy** – Asked if a 20% drop in revenue was predicted; it doesn't look that much.

**Buzanoski** – Before Myles Reis's C&D center opened, tonnage was about 10,000 annually; it has dropped to about 8,000. The freight is a number that is going down as a result of innovative changes; for example, C&D is separated into clean wood that can be recycled which reduced number of trucks going off.

**Williams** – His prediction was that there would be more C&D as more houses are crushed. Thought the scale was trending up.

**Buzanoski** – It probably is; 3 years ago it was 10,000 tons; the increase of tonnage is due to economy, Toscana has gone back to bringing their C&D to Waste Options. Noted that there is a capital request for \$1M for construction of Cell 3A, which will add 4.3 years and 300,000 cubic yards (CY) of capacity. Another capital is mining operations.

**Grause** – Asked if the mining operation produces revenue.

**Buzanoski** – No, Waste Options is required to mine at least 100,000 CY that generates a fill material infused with organic materials.

**Buzanoski** – Solid Waste has finished 5 years of mining and is in the first year of the second 5-year program. After 10 years, the landfill is expected to have been reduced from 25 acres to 14 acres.

**Kickham** – Said he has seen off-island contractors off-loading into the dumpsters. Asked if there is a way to force these users to get an account and use scales rather than the free dumpsters.

**Buzanoski** – There are charges made to the Commercial property owners. As for charging those coming in; they set up an account the first time over the scale.

**Kickham** – They aren't paying into the system, but we are having to process their material.

**Buzanoski** – That is true, unless there are charges made to individuals for dumping.

**Kickham** – Asked if there is a comparison for cost effectiveness to shipping bales off as opposed to putting them into the cells.

**Buzanoski** – It is still more cost effective to dispose of waste in house rather than shipping off. Have been looking into gasification technology as well.

**Spery** – Asked what is involved with planning what is going to happen when the Waste Options contract expires

**Buzanoski** – On going dialog to ensure the agreement is current and appropriate.

**Williams** – Professional Services under solid waste, \$352,000 asked what that was for.

**Buzanoski** – That was for sorting and baling and recycling. The arrangement of fees has been reworked to ensure it is directly tracked to be true to what has happened..

**Tiffany** – Looking at the actual FY2014 to budget of FY2015 there is a decrease. This year it looks to be back to FY2014 level.

**Buzanoski** – The volume of C&D is better than she had expected it would be.

**Kickham** – Under priorities, asked what is being done to ensure Waste Options is running correctly.

**Buzanoski** – Quarterly meetings and improved interaction between scale house staff and the DPW administrative office.

## 2. Sewer Enterprise Fund

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Maury, Spery, Grause

Discussion **Kara Buzanoski** – The biggest recent accomplishment is the completion of the Phase II-B  
(5:16) downtown sewer rehab project. The Comprehensive Wastewater Management Plan update has been completed and the capital program developed for review by policy makers of the Town. We have a long way to go in terms of financing.

**Mulcahy** – Asked if there is any project ready to go forward.

**Buzanoski** – Madaket-Warrens Landing-Somerset sewer projects, in terms of priorities due to the Mass Estuaries Report determination that the impact on the harbors is close to 100% caused by septic systems.

**Tiffany** – Asked if a rate increase is built into the FY2016 budget.

**Buzanoski** – Not for FY2016.

**Tiffany** – Asked why the capital debt service for FY2016 is not in the budget.

**Buzanoski** – Not for the one sewer project that is scheduled for FY2016 – the project won't go to long-term bond for a couple of years and the first short-term bond payment would be in FY2017.

**Mulcahy** – Asked who pays for that.

**Buzanoski** – Anything the Enterprise Fund pays for comes from the rate, except for certain projects already funded, such as the Surfside Wastewater Treatment Facility upgrade; that debt service is divided 1/3 taxpayers, 1/3 rates, and 1/3 new user fees.

**Kickham** – Asked about the increase in overtime.

**Buzanoski** – Expect that to be very high. Explained where overtime is necessary.

**Williams** – Asked if an ocean outfall pipe is an option to sewer beds.

**Buzanoski** – Under the federal Marine Protection Act, ocean outfall is not permitted. There are towns on the Cape looking at the possibility.

**Grause** – On pension contribution, it goes up and down.

**Buzanoski** – It is the same as for water; all funds pay insurance and retirement. Some of the fluctuation results in the change of personnel.

#### **VII. DISCUSSION OF FORMATION OF A FINANCE SUBCOMMITTEE (5:32)**

**Mulcahy** – The BOS disbanded the Personnel Compensation Review Committee at its meeting last night and will provide a charge for this committee to proceed.

**Kelly** – Prefers to wait for the charge before discussing this.

**Grause** – The email indicated the topic would be more on pensions, rather than housing.

**Mulcahy** – When the charge comes through, it will be put on the agenda.

#### **VII. NEXT MEETING DATE/ADJOURNMENT**

Date: Monday, January 26, 2015; 4:00 p.m.; 4 Fairgrounds Road, Community Room

Topics: OIH, Airport,

Adjourned 5:34 p.m.

Submitted by:

Terry L. Norton

Estimated 30% of Town Share of Room Occupancy Tax for FY 2016:						
	\$ 780,000	Funding Sources for Visitor related Services				
Department	Description of Service Provided/Expense Incurred	General Fund	C&I License Plate Fund	Beach Improvement Revolver	Ferry Embarkation Revolver	TOTAL
Visitor Services	Personnel Budget	\$ 277,045	\$ -	\$ -	\$ -	\$ 277,045
Visitor Services	Operating Expense Budget	\$ 98,100	\$ -	\$ -	\$ -	\$ 98,100
Visitor Services	Fireworks (Previously in C&I License Plate Fund)	\$ 45,000	\$ -	\$ -	\$ -	\$ 45,000
Visitor Services	Fireworks Barge (Previously in C&I License Plate Fund)	\$ 2,500	\$ -	\$ -	\$ -	\$ 2,500
DPW	Increase in trash pickups downtown Mem Day to Labor Day	\$ 5,000	\$ -	\$ -	\$ -	\$ 5,000
DPW	Porta-potties at public beaches <sup>1</sup>	\$ 9,510	\$ -	\$ -	\$ -	\$ 9,510
DPW	Sign Making Materials	\$ 11,300	\$ -	\$ -	\$ -	\$ 11,300
DPW	Salary-Sign Making <sup>2</sup>	\$ 10,000	\$ -	\$ -	\$ -	\$ 10,000
Marine	Lifeguards <sup>3</sup>	\$ 302,454	\$ -	\$ -	\$ -	\$ 302,454
Police	Seasonal Community Service Officers <sup>4</sup>	\$ 72,408	\$ -	\$ -	\$ -	\$ 72,408
Public Bldgs	Valet parking lot improvements/requirements	\$ 10,000	\$ -	\$ -	\$ -	\$ 10,000
Public Bldgs	Cleaning of Visitor Services office	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000
Public Bldgs	Cleaning of 22 Federal bathrooms	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000
Public Bldgs	Cleaning of Sconset bathrooms	\$ 8,000	\$ -	\$ -	\$ -	\$ 8,000
Public Bldgs	Repair & maintenance of building	\$ 3,860	\$ -	\$ -	\$ -	\$ 3,860
Public Bldgs	Repairs to concession buildings- Children Beach	\$ 3,680	\$ -	\$ -	\$ -	\$ 3,680
Public Bldgs	Utilities for 25 Federal Street VS Office	\$ 5,900	\$ -	\$ -	\$ -	\$ 5,900
Public Bldgs	Supplies for VS Bathroom	\$ 4,645	\$ -	\$ -	\$ -	\$ 4,645
Ferry Embarkation	Seasonal Community Service Officers	\$ -	\$ -	\$ -	\$ 191,300	\$ 191,300
Beach Improvement	Beach Signs	\$ -	\$ -	\$ 2,350	\$ -	\$ 2,350
Beach Improvement	Seasonal Beach Patrol	\$ -	\$ -	\$ 30,100	\$ -	\$ 30,100
Beach Improvement	Beach cleaning	\$ -	\$ -	\$ 6,500	\$ -	\$ 6,500
C&I License Plate	Cape Cod chamber of Commerce Marketting Expenses	\$ -	\$ 8,000	\$ -	\$ -	\$ 8,000
C&I License Plate	Contribution for Fast Ferry Connector	\$ -	\$ 25,000	\$ -	\$ -	\$ 25,000
C&I License Plate	Special NRTA service for 4th of July weekend	\$ -	\$ 1,000	\$ -	\$ -	\$ 1,000
TOTAL VISITOR SERVICES RELATED EXPENSES BY SOURCE		\$ 909,402	\$ 34,000	\$ 38,950	\$ 191,300	\$ 1,173,652
	New/ Proposed Initiatives	Estimated				
Visitor Services	Creation of an Island-wide Visitor Map	\$ 25,000				
Visitor Services	Visitor Ambassador Program	\$ 20,000				
DPW	Screening for porta-potties & trash cans at public beaches <sup>1</sup>	\$ 25,000				
Town Administration	Visitor Services Dept operational review	\$ 25,000				
TOTAL VISITOR SERVICES RELATED NEW INITIATIVES		\$ 95,000				
	Capital Projects Expenses Related to Visitor Services					
	Children's Beach Concession Building and Bathhouse <sup>5</sup>	\$ 445,500	Approved at 2013 ATM			
	Supplemental Funding for Children's Beach Concession Building and Bathhouse <sup>5</sup>	\$ 202,500	Proposed for 2015 ATM			
TOTAL VISITOR SERVICES RELATED CAPITAL PROJECTS		\$ 648,000				
<sup>1</sup> Miacomet, Madaket, Nobadeer, Cisco; Calculated at 75% of total cost						
<sup>2</sup> Applied 15% of salary of person in DPW responsible for making signs						
<sup>3</sup> The total Amount for Lifeguards is \$373,400. The Visitor's portion is arrived at						
by dividing year round population (roughly 11,000) by peak population						
(estimated 60,000 in the summer). The result is 81% that are attributable to summer visitors.						
<sup>4</sup> Once the limit in the Ferry Embarkation Fee revolver is reached,						
the extra costs of CSOs are applied against the Police Dept Budget						
<sup>5</sup> The total amount for the Capital Projects is \$800,000. The Visitor's portion is arrived						
by dividing year round population (roughly 11,000) by peak population						
(estimated 60,000 in the summer). The result is 81% that are attributable to summer visitors.						

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NANTUCKET**



**WARRANT FOR**

**2015 ANNUAL TOWN MEETING  
Nantucket High School  
Mary P. Walker Auditorium  
Monday, April 6, 2015 - 6:00 PM**

**AND**

**ANNUAL TOWN ELECTION  
Nantucket High School  
Tuesday, April 14, 2015  
7:00 AM - 8:00 PM**

**Town of Nantucket  
16 Broad Street  
Nantucket, MA 02554  
(508) 228-7255  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)**

To the Constables of the Town of Nantucket:

**GREETING:**

*In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Nantucket High School Auditorium at 10 Surfside Road in said Nantucket, on*

**MONDAY, APRIL 6, 2015 AT 6:00 PM,  
THEN AND THERE TO ACT ON THE ARTICLES  
CONTAINED WITH THE ENCLOSED WARRANT:**

**ARTICLE 1  
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2014 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

*(Board of Selectmen)*

**ARTICLE 2  
(Appropriation: Unpaid Bills)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

*(Board of Selectmen)*

**ARTICLE 3  
(Appropriation: Prior Year Articles)**

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

*(Board of Selectmen)*

**ARTICLE 4  
(Revolving Accounts: Annual Authorization)**

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2016; or to take any other action related thereto.

*(Board of Selectmen)*

**ARTICLE 5  
(Appropriation: Reserve Fund)**

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a



Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2016; said sum not to exceed five (5) percent of the Fiscal Year 2015 tax levy; or to take any other action related thereto.

*(Board of Selectmen)*

## ARTICLE 6

### (Fiscal Year 2015 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2015 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

*(Board of Selectmen)*

## ARTICLE 7

### (Personnel Compensation Plans for Fiscal Year 2016)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2016:

#### *Schedule A -- Miscellaneous Compensation Schedule*

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to 50.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Mooring Enforcement Officer (hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	15.00

*Schedule B -- Seasonal Employee Compensation Schedule  
(Spring, Summer, Fall, Winter/Effective April 15, 2015- April 14, 2016)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$14.00	\$15.00	\$16.00	\$17.00
B-Hourly*	\$14.50	\$15.50	\$16.50	\$17.50
C-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50
D-Hourly*	\$16.00	\$17.00	\$18.00	\$19.00
E-Hourly*	\$18.00	\$18.50	\$19.00	\$19.50

\*An employee assigned supervisory responsibilities shall be placed in the next higher category.

A: Dock Attendant, Tennis Attendant, Information Aide, Matron

B: Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer

C: Endangered Species Monitor Supervisor, Dock Worker, Marine Research Technician

D: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer, Pump-out Boat Operator

E: Lifeguard Supervisor, Seasonal Assistant Harbormaster, Seasonal Maintenance Supervisor (Public Works), Tennis Instructor, Seasonal Recreation Coordinator, Reserve Police Officer

*Schedule C -- Compensation Schedule for Elected Officials\**

Moderator	\$175 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$92,381

*\*Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

Or to take any other action related thereto.

*(Board of Selectmen)*

## ARTICLE 8

### (Appropriation: Fiscal Year 2016 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2016; or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 9**

### **(Appropriation: Health and Human Services)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2016, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 10**

### **(Appropriation: General Fund Capital Expenditures)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for the offices, departments, boards and commissions of the Town of Nantucket; or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 11**

### **(Appropriation: Fire Station)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, architecture, construction supervision, and other related professional services for the construction, installation and equipping of a fire station at 4 Fairgrounds Road, including all costs incidental and related thereto; provided that said borrowing shall be contingent on the passage of a Proposition 2½ debt exclusion vote; and to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 12**

### **(Appropriation: School)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the School Superintendent with the approval of the School Committee, to pay costs of professional services for design, permitting, architecture, construction supervision, and other related professional services, for the construction, installation and equipping of new, and/or additions to existing, school buildings, including land acquisition costs and all other costs incidental and related thereto; provided that said borrowing shall be contingent on the passage of a Proposition 2½ debt exclusion vote; and to take any other action related thereto.

*(Board of Selectmen for School Committee)*

### **ARTICLE 13**

#### **(Appropriation: Fiscal Year 2016 Enterprise Funds Operations)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2016, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

*(Board of Selectmen for the Various Departments Indicated)*

### **ARTICLE 14**

#### **(Appropriation: Enterprise Funds Capital Expenditures)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of capital expenditures in Fiscal Year 2016 for the Enterprise Funds established under the jurisdiction of the Town of Nantucket; or to take any other action related thereto.

*(Board of Selectmen for the Various Departments Indicated)*

### **ARTICLE 15**

#### **(Enterprise Funds: Fiscal Year 2015 Budget Transfers)**

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2015 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

*(Board of Selectmen)*

### **ARTICLE 16**

#### **(Appropriation: Waterways Improvement Fund)**

To see what sum the Town will vote to appropriate from the revenue received under Chapter 60B subsection (i) of section 2 and under Chapter 91 section 10A of the Massachusetts General Laws and sums received from the Commonwealth or Federal Government for purposes established by Chapter 40 section 5G of the Massachusetts General Laws including but not limited to (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

*(Board of Selectmen)*

### **ARTICLE 17**

#### **(Authorization: Airport Aviation Fuel Revolving Fund for Fiscal Year 2016)**

To see if the Town will vote to authorize a revolving fund for the Airport, to be known as the Airport Aviation Fuel Revolving Fund, to which shall be credited fees and other receipts received in connection with the sale of aviation fuel, which fund may be expended for the

purchase of aviation fuel, to be expended by the Airport Commission, and further to establish a spending limit from the fund for Fiscal Year 2016, pursuant to the provisions of Chapter 28 of the Acts of 2004 and Massachusetts General Law Chapter 44, section 53E½, or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

#### **ARTICLE 18**

##### **(Appropriation: Airport Carbon Neutral Program Energy Management Services)**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow pursuant to General Laws Chapter 44, Sections 7 or 8, and/or Chapter 25A, Sections 11C and 11I, or any other enabling authority, a certain sum of money for energy management services for the purpose of making energy improvements to facilities of the Nantucket Memorial Airport pursuant to one or more energy management service agreements authorized under G.L. c. 25A, sections 11C or 11I, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services, construction, and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Nantucket Airport Commission, and to authorize said Commission to apply for a grant or grants, to be used to defray the cost of all, or any part of, said energy improvements; and that the Town authorize the Airport Commission to enter into any and all contracts and agreements for terms not exceeding twenty years, including leases and power purchase agreements for renewable energy projects, as may be necessary to carry out the purposes of this Article; or to take any other action relative thereto.

*(Board of Selectmen for Airport Commission)*

#### **ARTICLE 19**

##### **(Appropriation: Ambulance Reserve Fund)**

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to four (4) full-time firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 20**

##### **(Appropriation: County Assessment)**

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2016, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Seventy Thousand Dollars (\$170,000); or to take any other action related thereto.

Or to take any other action related thereto.

*(Board of Selectmen/County Commissioners)*

## **ARTICLE 21**

### **(Appropriation: Finalizing Fiscal Year 2016 County Budget)**

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2016 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

*(Board of Selectmen/County Commissioners)*

## **ARTICLE 22**

### **(Rescind Unused Borrowing Authority)**

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 23**

### **(Appropriation: Ferry Embarkation Fee)**

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by Chapter 46, section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 24**

### **(Appropriation: Other Post-Employment Benefits Trust Fund)**

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-

Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2016.

Or, to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 25**

##### **(Authorization to Borrow for Easy Street Bulkhead Renovation)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, construction supervision, and other related professional services for the repair of the Easy Street Bulkhead, including all costs incidental and related thereto, and further to authorize the Board of Selectmen to apply for and expend any federal or state grants that may be available for the project; and to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 26**

##### **(Appropriation: Collective Bargaining Agreement/Fire)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Department union employees (represented by the Nantucket Professional Firefighters Local 2509) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 27**

##### **(Appropriation: Collective Bargaining Agreement/Airport Union)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Airport Commission) and Airport union employees (represented by the Massachusetts Laborer's District Council of the Nantucket Memorial Airport Employees of the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*



## **ARTICLE 28**

### **(Appropriation: Collective Bargaining Agreement/Our Island Home)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Years 2014 and 2015 in collective bargaining contracts between the Town of Nantucket (represented by the Board of Selectmen) and Our Island Home union employees (represented by the Service Employees Union International, Local 1199) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 29**

### **(Appropriation: Collective Bargaining Agreement/Public Works)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Public Works union employees (represented by the American Federation of State, County and Municipal Employees (AFSCME) Council 93, Local 2346) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 30**

### **(Appropriation: Collective Bargaining Agreement/Laborer's Union)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Laborer's union employees (represented by the Massachusetts Laborer's District Council Nantucket Public Employees' Local Union, the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 31**

### **(Appropriation: Collective Bargaining Agreement/Police)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal

Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Police Department union employees (represented by the Massachusetts Coalition of Police, Locals 330 and 330a, International Association of Police Associations (IAPA), and American Federation of Labor - Congress of Industrial Organizations (AFL-CIO)) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 32**

### **(Appropriation: Collective Bargaining Agreement/Wannacomet Water)**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2015 in a collective bargaining contract between the Town of Nantucket (represented by the Nantucket Water Commission) and Wannacomet Water union employees (represented by the Utility Workers of America, American Federation of Labor - Congress of Industrial Organizations (AFL-CIO), Local Union 359) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

*(Board of Selectmen for Nantucket Water Commission)*

## **ARTICLE 33**

### **(Amendment to FY 2015 Community Preservation Funds Appropriation)**

To see if the Town will vote to amend the vote taken under Article 30 of the 2014 Annual Town Meeting which appropriated the amount of Nine Hundred Sixty-six Thousand Six Hundred Seventeen Dollars (\$966,617) from State Matching Funds for Fiscal Year 2015 by changing the funding source in the amount of Three Hundred Sixty Thousand Two Hundred Eighty-six Dollars (\$360,286) from State Matching Funds to the CPA Undesignated Fund Balance; or to take any other action relative thereto.

*(Board of Selectmen)*

## **ARTICLE 34**

### **(Community Preservation Committee: Fiscal Year 2016 Budget Transfers)**

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 26 ATM 2008 Nantucket Human Services Center	Fiscal Year 2016 Community Preservation Committee Community Housing reserved fund	\$159,925.06

	balance	
Article 31 ATM 2013 Town of Nantucket, Affordable Housing Trust Fund	Fiscal Year 2016 Community Preservation Committee Community Housing reserved fund balance	\$160,000
<b>Total Transfers to Community Housing Reserved fund balance</b>		<b>\$319,925.06</b>
Article 26 ATM 2010 Town of Nantucket, Planning and Land Use Services	Fiscal Year 2016 Community Preservation Committee Open Space reserved fund balance	\$10,000
Article 31 ATM 2013 Nantucket Hunting Association, Nantucket shooting Park	Fiscal Year 2016 Community Preservation Committee Open space reserved fund balance	\$412,650
<b>Total transfers to Open Space Reserved fund balance</b>		<b>\$422,650</b>

*(Kenneth Beaugrand, et al)*

### ARTICLE 35

#### (Appropriation: FY 2016 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<b>Historic Preservation</b>	
<b>The Coffin School Trustees</b> Continuing preservation of the Brick Facade of the historic Sir Isaac Coffin School	\$140,640
<b>South Church Preservation Fund</b> Restoration of the roof of the Unitarian Meeting House	\$250,000
<b>First Congregational Church of Nantucket</b> Restoration of designated elements of the Summer Church	\$150,000
<b>Nantucket Historical Association</b> Restoration of Old goal, supplemental stabilization project	\$42,500
<b>Nantucket Islands Land Bank</b> Second phase of 'Sconset Golf course clubhouse restoration	\$50,000
<b>Museum of African American History</b> Third phase of restoration of foundations, out buildings and handicap accessibility	\$188,615
<b>Hospital thrift Shop</b> Restoration of structural frame, central chimney, exterior	

shingles and drainage systems	\$115,000
<b>Preservation Institute Nantucket</b> Envision Nantucket, 3D Laser scanning of heritage resources, Phase 2	\$81,422
<b>Sub-total</b>	<b>\$1,018,177</b>
<b>All of the funds to be used in this category are from the Community Preservation surcharge and the State matching funds.</b>	
<b><u>Community Housing</u></b>	
<b>Nantucket Interfaith Council</b> Housing and rental assistance program	\$130,000
<b>Habitat for Humanity Nantucket Inc.</b> Construct houses at Ticcoma Way and at Sachem's Path	\$250,000
<b>Housing Assistance Corporation</b> Funding to complete Phase 1 Sachem's Path, infrastructure Implementation and partial funding of Phase 2 of the Infrastructure	\$765,000
<b>Housing Nantucket</b> Phase one of four community rental housing units at Surfside Road	\$300,000
<b>Sub-total</b>	<b>\$1,445,000</b>
<b>\$209,999 of the funds utilized for this category are from the Reserve for Community Housing with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.</b>	
<b><u>Open Space Conservation/Recreation</u></b>	
<b>Town of Nantucket</b> Funds to pay the interest and principal in the third year of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road.	\$125,000
<b>Sustainable Nantucket</b> Funds for the creation of a two acre community farm institute on Land Bank property on Hummock Pond road	\$33,500
<b>Designated Reserves for Open Space</b> Allocation to Open Space Reserves for future use	\$131,500
<b>Sub-total</b>	<b>\$290,000</b>
<b>All of the funds to be used in this category are from the Community Preservation</b>	

surcharge and the State matching funds.	
<b><u>Administrative</u></b>	
<b>Community Preservation Committee</b> Administrative and operating expenses	\$125,000
<b><u>Sub-total</u></b>	<b>\$125,000</b>
\$10,000 of the funds utilized for this category are from interest income with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
<b><u>TOTAL</u></b>	<b>\$2,878,177</b>
All amounts to be appropriated from the following sources:	
<b><u>SOURCES</u></b>	<b><u>AMOUNT</u></b>
Raised and appropriated from FY 2016 Community Preservation Surcharge	\$ 1,887,973
From State matching funds for FY 2015, to be received in 2016	\$ 509,753
From interest	\$ 10,000
From Designated Reserves for Community Housing	\$ 209,999
From Undesignated Reserves	\$ 260,452
<b><u>Total Revenues</u></b>	<b>\$2,878,177</b>
For fiscal year 2016 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.	
<p>Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.</p>	

*(Kenneth Beaugrand, et al)*

### **ARTICLE 36**

#### **(Community Preservation Act Appropriation: Sachem's Path)**

To see if the Town will vote under the Community Preservation Act, to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds the sum of \$800,000 ( Eight hundred thousand dollars) to be spent under the direction of the Town Manager in consultation with the Community Preservation Committee for the purpose of funding the creation and completion of the infrastructure for Phase 2 of the Affordable housing project known as Sachem's Path, to complement the funds previously awarded to Housing Assistance Corporation for the creation of 40 affordable housing units at Sachem's Path; and as funding therefor to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to the provisions of G.L. c44B, section 11 and G.L. c. 44, section 7 or any other enabling authority, and to issue bonds and notes therefor.

*(Kenneth Beaugrand, et al)*

### **ARTICLE 37**

#### **(Appropriation: Replacement Servers)**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from any other available funds to purchase two replacement servers for the Town Clerk's archival Laserfiche system. Said servers shall facilitate compliance with the archival standards set forth in MGL Chapter 66. The appropriation for the replacement servers shall not exceed \$11,600.

Or to take any other action as may be related thereto.

*(Catherine Flanagan Stover, et al)*

### **ARTICLE 38**

#### **(Appropriation: Archival Vault System)**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from any other available funds to purchase a custom archival shelving system for the Town Clerk's new vault. Said shelving system shall comply with the archival standards set forth in MGL Chapter 66. The appropriation for the archival system shall not exceed \$49,000.

Or to take any other action as may be related thereto.

*(Catherine Flanagan Stover, et al)*

### **ARTICLE 39**

#### **(Appropriation: Canine Retirement Stipend)**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from any other available funds, to fund a monthly, or an annual stipend , for food and routine veterinary bills for the health and maintenance to benefit any canine having served as a certified police canine for the Town and County of Nantucket and retiring from canine service. Said stipend shall not exceed an annual total of \$3,500.

Or to take any other actions as may be related thereto.

*(Keith Mansfield, et al)*

#### **ARTICLE 40**

##### **(Appropriation: Funding for Granite Curbing Along Hooper Farm Road)**

To see if the Town will vote to: raise and appropriate sufficient funds to install granite curbing along the Hooper Farm Rd. sidewalk/bike path the next time the road is repaved. The project could be done similarly to the work that was done on Vesper Lane. This would add greatly to the safety of pedestrians and bikers on that road, as well as improving the aesthetics of the neighborhood.

*(Donald Ryder, et al)*

#### **ARTICLE 41**

##### **(Appropriation: Creation of Parking on Cathcart Road)**

To see if the Town will vote to raise, appropriate, borrow pursuant to any applicable statute, or transfer from available funds for the survey and clearing and construction of improvements for the roadway called Cathcart Road, including delineation of actual property lines of Cathcart Road from the south west corner of property line of Map 43 Parcel 69 and the northwest corner of Map 43 Parcel 146 and on the other side of the road at property corners of Map 43 Parcel 120 and the northeast corner of Map 43 parcel 147, for both sides of the road north to the beach, removal of obstructions within this public right of way, and further, removal of vegetation and man-made objects and improve and widen the public road to the legal right of way boundaries along following parcels, Map 43 Parcel 69 and southern side of the delineated property line along the following properties, Map 43 Parcel 68, Map 43 Parcel 121, Map 43 Parcel 120, no less than from this point, for the purpose of allowing the creation of a travel lane and parallel or diagonal parking for vehicles in this area along the north side of this public road way boundary which borders the parcel Map 43 Parcel 69, with a goal of completing the project as herein described by the start of FY17 and to request that the DPW director or Town Manager provide periodic updates at BOS meetings on the status of the project.

Or take any other action related thereto.

*(Thomas Barada, et al)*

#### **ARTICLE 42**

##### **(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows *(NOTE: new language is shown as highlighted text; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:*



## Chapter 139            ZONING

### Article V.                Administration and Enforcement

#### **§ 139-26. Issuance of building and use permits.**

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

#### (1) Demolition delay.

##### (e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the

property at issue. Said Release shall be maintained by the Building Commissioner.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer shall provide the Building Commissioner with a certificate of compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefore, within 30 days of the submission of a complete application.

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) The issuance of a permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the

proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years. Applicants for a temporary permit to engage in construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of a temporary building permit, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion or impacts on or elimination of public access to the property at issue.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.

*(Board of Selectmen)*

#### **ARTICLE 43**

##### **(Zoning Map Change: LC to CDT/North Water Street)**

To see if the Town will vote to: Amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the LC district in the CDT district:

- 7 N. Water Street as shown on Tax Assessor's Map 42.4.2 as Parcel 87
- 9 N. Water Street as shown on Tax Assessor's Map 42.4.2 as Parcel 103
- 11 N. Water Street as shown on Tax Assessor's Map 42.4.2 as Parcel 54.1

*(Michelle Langlois, et al)*

#### **ARTICLE 44**

##### **(Zoning Bylaw Amendment: Rooming, Lodging, and Guest Houses in ROH district within a half (½) mile radius of the CDT district and Zoning Map Change: LC to ROH and CN - N. Water, Sea, Easton, N. Beach, S. Beach Streets and Harbor View Way and Mackay Way - Brant Point)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

- 1. a. Amend section 2, Definitions, as follows:

### TRANSIENT RESIDENTIAL FACILITIES

Hotels; rooming, lodging or guest houses; and time-sharing or time-interval-ownership dwelling unit(s). In the ROH district only, rooming, lodging, and guest houses may be allowed by special permit for lots located entirely within a half-mile radius of the CDT district.

- b. Amend section 7A, Use Table, by changing “N” to “SP” for the following use in the ROH district only: “Rooming, lodging, or guest house” and to add a footnote attached to “SP” referencing the definition of “transient residential facility” in section 2A.
2. Amend the Zoning Map of the Town of Nantucket by taking the following actions:
    - a. By placing the following properties currently located in the Limited Commercial (LC) district in the Residential Old Historic (ROH) district:

Map	Lot	Number	Street
42.4.1	64	2	N. Beach Street
42.4.1	114	4	N. Beach Street
42.4.1	115	65	Easton Street
42.4.1	115.1	67	Easton Street
42.4.1	111	69	Easton Street
42.4.1	110	71	Easton Street
42.4.1	109	73	Easton Street
42.4.1	108	75	Easton Street
42.4.1	33	76	Easton Street
42.4.1	34	78	Easton Street
42.4.2	6	80	Easton Street
42.4.2	5	82	Easton Street
42.4.2	4	84	Easton Street
42.4.2	7	87	N. Water Street
42.4.2	9	103	N. Water Street
42.4.2	11	54.1	N. Water Street
42.4.1	62.2	8	S. Beach Street
42.4.1	62.1	1	Mackay Way
42.4.1	31	2	Harbor View Way
42.4.1	30	4	Harbor View Way
42.4.1	29	6	Harbor View Way
42.4.1	28	8	Harbor View Way
42.4.1	27	12	Harbor View Way
42.4.1	26	14	Harbor View Way
42.4.2	54.1	4	N. Water St
42.4.2	52.1	13	N. Water St.
42.4.2	50	15	N. Water St
42.4.2	49	17	N. Water St

42.4.2	100	23	N. Water St
42.4.2	2.1	25	N. Water St
42.4.2	1	29	N. Water St
42.4.2	55	1	Sea Street
42.4.2	54.2	3	Sea Street
42.4.2	52.3	5	Sea Street
42.4.2	52.2	7	Sea Street
42.4.2	51	8	Sea Street

- b. By placing the following properties currently located in the Limited Commercial (LC) district in the Commercial Neighborhood (CN) district.

Map	Lot	Number	Street
42.4.1	32	72	Easton Street
42.4.2	3	19	N. Water Street
42.4.1	65.1	8	N. Beach Street

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 44 Zoning Bylaw Amendment: Rooming, Lodging, and Guest Houses in ROH district within a half (½) mile radius of the CDT district and Zoning Map Change: LC to ROH and CN - N. Water, Sea, Easton, N. Beach, S. Beach Streets and Harbor View Way and Mackay Way - Brant Point” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 45

### **(Zoning Map Change: RC to ROH - Union Street, Washington Street and Duck Pond Lane)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Residential Old Historic (ROH):

Map	Lot	Number	Street
55.1.4	67	66	Union Street
55.1.4	68.1	68A	Union Street
55.1.4	68	68	Union Street
55.1.4	69	70	Union Street
55.1.4	94	72	Union Street
55.1.4	70	74	Union Street
55.1.4	73	76	Union Street
55.1.4	72	78	Union Street
55.1.4	40	82	Union Street
55.1.4	105	109	Washington Street
55.1.4	39	115	Washington Street
55.1.4	14	121	Washington Street

55.1.4	14.1	2	Duck Pond Lane
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All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 45 RC to ROH - Union Street, Washington Street and Duck Pond Lane” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 46

##### **(Zoning Map Change: SR-1 to SOH: West Sankaty Road, New and King Streets)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Sconset Residential-1 (SR-1) district in the Sconset Old Historic (SOH) district:

Map	Lot	Number	Street
73.1.3	38 (a portion of)	9R	New Street
73.4.2	10	11	King Street
73.4.2	11	9	King Street
73.4.2	12	10	King Street
73.4.2	13	9	New Street
73.4.2	14	7	New Street
73.4.2	15	5	New Street
73.4.2	29	10	West Sankaty Road
73.4.2	31	8	West Sankaty Road
73.4.2	32	4	West Sankaty Road
73.4.2	62	15	King Street
73.4.2	64	16	King Street
73.4.2	66	12	King Street
73.4.2	67	11	New Street
73.4.2	68	15	New Street
73.4.2	69	13	New Street
73.4.2	70	24	King Street
73.4.2	70.1		Off King Street
73.4.2	71	22	King Street
73.4.2	72	17	New Street
73.4.2	73	19	New Street
73.4.2	74	21	New Street
73.4.2	76	25	New Street
73.4.2	77	23	New Street
73.4.2	78	29	New Street
73.4.2	79	27	New Street
73.4.2	80	31	New Street
73.4.2	82	12	West Sankaty Road
73.4.2	91	24	West Sankaty Road

73.4.2	94	17	West Sankaty Road
73.4.2	96	39	King Street
73.4.2	98	35	King Street
73.4.2	101	29	King Street
73.4.2	103	25	King Street
73.4.2	105	21	King Street
73.4.2	106	19	King Street
73.4.2	107	18	King Street
73.4.2	111	26	King Street
73.4.2	113	30	King Street
73.4.2	114	32	King Street
73.4.2	115	34	King Street
73.4.2	116	36	King Street
73.4.2	118	40	King Street
73.4.2	119	13	West Sankaty Road
73.4.2	119.2	9	West Sankaty Road
73.4.2	119.3	7	West Sankaty Road
73.4.2	119.4	31C	New Street
73.4.2	120	31B	New Street
73.4.2	121	20	West Sankaty Road
73.4.2	122	18	West Sankaty Road
73.4.2	123	16	West Sankaty Road
73.4.2	124	14	West Sankaty Road

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 46 SR-1 to SOH: West Sankaty Road, New and King Streets” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 47

##### **(Zoning Bylaw Amendment: New Zoning Districts R-5 and R-10 Limited and Zoning Map Change: Pine Valley R-10 to R-10L)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. a. Amend section 3A by inserting the following new districts:

A. Town Overlay District Residential.

District	Abbreviation
Residential Old Historic	ROH
Residential-1	R-1
Residential-5	R-5
Residential-5 Limited	R-5L
Residential-10	R-10
Residential-10 Limited	R-10L
Residential-20	R-20
Residential 40	R-40

b. Amend section 4D as follows:

Except where different provisions for the SOH, SR-1, R-5L, R-10L, SR-10, or SR-20 Zoning Districts are expressly set forth within this chapter, all provisions relating to the ROH Zoning District shall also apply to the SOH Zoning District; all provisions relating to the R-1 Zoning District shall also apply to the SR-1 Zoning District; all provisions relating to the R-5 district shall also apply to the R-5L district, all provisions relating to the R-10 district shall also apply to the R-10L and SR-10 districts, and all provisions relating to the R-20 Zoning District shall also apply to the SR-20 Zoning District.

c. Amend section 7A by inserting the following:

- i. In the "R-5" column, insert "R-5L" below "R-5".
- ii. In the "Duplex" row, insert in the "R-5" column "N R-5L"
- iii. In the "Secondary Dwelling" row, insert in the "R-5" column "SP R-5L"
- iv. In the "Personal Services" row, insert in the "R-5" column "N R-5L"
- v. In the "Funeral Home" row, insert in the "R-5" column "N R-5L"
- vi. In the "R-10" column, insert "R-10L" below "R-10".
- vii. In the "Duplex" row, insert in the "R-10" column "N R-10L".
- viii. In the "Secondary Dwelling" row, insert in the "R-10" column "SP R-10L"
- ix. In the "Personal Services" row, insert in the "R-10" column "N R-10L"
- x. In the "Funeral Home" row, insert in the "R-10" column "N R-10L"

d. Amend section 16 by inserting the following:

**Yard Setback**

District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
...					
R-5	5,000	10	Side: 10 minimum on one side; 5 thereafter Rear: 5	50	40%



## Yard Setback

District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
R-5L	5,000	10	Side: 10 minimum on one side; 5 thereafter Rear: 5	50	30%

...

2. Amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential-10 (R-10) district to the Residential-10 Limited (R-10L) district:

Map	Lot	Number	Street
66	304	1	Topping Lift
66	305	3	Topping Lift
66	306	5	Topping Lift
66	307	7	Topping Lift
66	308	6	Topping Lift
66	309	4	Topping Lift
66	310	2	Topping Lift
66	311	5	Mizzenmast
66	312	3	Keel Lane
66	313	1	Spindrift
66	314	3	Spindrift
66	315	4	Spindrift
66	316	2	Spindrift
66	317	9	Keel Lane
66	318	11	Keel Lane
66	319	13	Keel Lane
66	320	15	Keel Lane
66	321	17	Keel Lane
66	322	19	Keel Lane
66	323	21	Keel Lane
66	324	1	Halyard Lane
66	325	3	Halyard Lane
66	326	6	Halyard Lane
66	327	4	Halyard Lane
66	328	2	Halyard Lane
66	329	25	Keel Lane
66	330	27	Keel Lane
66	331	24	Rudder Lane
66	332	22	Rudder Lane
66	333	20	Rudder Lane

66	334	1	Reacher Lane
66	335	3	Reacher Lane
66	336	4	Reacher Lane
66	337	2	Reacher Lane
66	338	14	Rudder Lane
66	339	12	Rudder Lane
66	340	10	Rudder Lane
66	341	8	Rudder Lane
66	342	1	Spinnaker Circle
66	343	3	Spinnaker Circle
66	344	6	Spinnaker Circle
66	345	4	Spinnaker Circle
66	346	2	Spinnaker Circle
66	347	4	Rudder Lane
66	348	2	Rudder Lane
66	349	1	Luff Road
66	350	3	Luff Road
66	351	5	Luff Road
66	352	7	Luff Road
66	353	9	Luff Road
66	354	11	Luff Road
66	355	10	Luff Road
66	356	8	Luff Road
66	357	6	Luff Road
66	358	4	Luff Road
66	359	2	Luff Road
66	360	8	Mizzenmast
66	361	3	Rudder Lane
66	362	5	Rudder Lane
66	363	7	Rudder Lane
66	364	9	Rudder Lane
66	365	11	Rudder Lane
66	366	13	Rudder Lane
66	367	15	Rudder Lane
66	368	22	Mizzenmast
66	369	20	Mizzenmast
66	370	18	Mizzenmast
66	371	16	Mizzenmast
66	372	14	Mizzenmast
66	373	12	Mizzenmast
66	374	10	Mizzenmast
66	375	2	Keel Lane
66	376	9	Mizzenmast
66	377	11	Mizzenmast
66	378	13	Mizzenmast

66	379	15	Mizzenmast
66	380	18	Keel Lane
66	381	16	Keel Lane
66	382	14	Keel Lane
66	383	12	Keel Lane
66	384	10	Keel Lane
66	385	8	Keel Lane
66	386	6	Keel Lane
66	387	4	Keel Lane

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 47 Zoning Bylaw Amendment: New Zoning Districts R-5 and R-10 Limited and Zoning Map Change: R-10 to R-10L: Pine Valley” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 48

#### **(Zoning Map (Miscellaneous) Changes and Zoning Bylaw Amendment: Town and Country Overlay District)**

To see if the Town will vote to take the following actions:

1. Amend the Zoning Map of the Town of Nantucket as follows:
  - a. Place the following properties currently located in the Residential Commercial-2 (RC-2) district in the Residential-5 (R-5) district;

Map	Lot	Number	Street
67	709	20	Ticcoma Way
67	708	18	Ticcoma Way
Lots A, B and C situated off Ticcoma Way and shown on a plan entitled “Subdivision Concept Plan Prepared for the N.P. & E.D.C.,” dated September 5, 2013, prepared by Blackwell & Associates, Inc. (see Article 101, 2014 ATM)			

- b. Place the following properties currently located in the Residential Commercial-2 (RC-2) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
67	222	65	Surfside Road
67	222.1	63	Surfside Road

- c. Place the following property currently located in the Residential-20 (R-20) district in the Residential-10 (R-10) district:

Map	Lot	Number	Street
66	36	30	Appleton Road

- d. Place the following properties currently located in the Residential-20 (R-20) district in the Residential-1 (R-1) district:

Map	Lot	Number	Street
41	385	48	W. Chester Street
41	382	50	W. Chester Street
41	381	52	W. Chester Street
41	378	54	W. Chester Street
41	385.1	32	New Lane
41	384	30	New Lane
41	383	1	Wyer's Way

- e. Place the following properties currently in the LUG-3 district in the R-20 district:

Map	Lot	Number	Street
21	80 (a portion of)	24	Sesachacha Road
21	79 (a portion of)	28	Sesachacha Road
21	78 (a portion of)	30	Sesachacha Road

- f. Place the following properties currently located in the Limited Use General-2 (LUG-2) district in the Residential-40 (R-40) district:

Map	Lot	Number	Street
66	134.1	33	Somerset Lane
66	134.2	31	Somerset Lane
66	134.3	29	Somerset Lane
66	134.4	27	Somerset Lane
67	471	1	Wherowhero Lane

2. Amend Chapter 139 of the Code of the Town of Nantucket, section 4E, by amending the map entitled "Town and Country Designations" by removing the following properties from the Country Overlay District and placing them in the Town Overlay District:

Map	Lot	Number	Street
66	134.1	33	Somerset Lane
66	134.2	31	Somerset Lane
66	134.3	29	Somerset Lane
66	134.4	27	Somerset Lane
67	471	1	Wherowhero Lane

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 48 Miscellaneous Zoning Map Changes and Zoning Bylaw Amendment: Town and Country Overlay District" dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### **ARTICLE 49**

##### **(Zoning Map Change: R-10 to CN/Fairgrounds Road and Newtown Road)**

To see if the Town will vote to :Amend the Zoning Map of Nantucket by placing the following properties currently located in the Residential-10 (R-10) district into the Commercial Neighborhood (CN) District:

MAP	LOT	NUMBER	STREET
55	71	5	Fairgrounds Road
55	72	20	Newtown Road
55	74	19	Newtown Road
67	39	11	Fairgrounds Road
67	38	13	Fairgrounds Road
67	686	15	Fairgrounds Road
67	885	17	Fairgrounds Road
67	156	19	Fairgrounds Road
67	154	21	Fairgrounds Road
67	152	23	Fairgrounds Road
67	151	25	Fairgrounds Road
67	150	27	Fairgrounds Road

*(Irvin F. Holdgate, et al)*

#### **ARTICLE 50**

##### **(Zoning Map Change: R-10 to RC/40 & 42R Sparks Avenue)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 10 (R-10) district in the Residential Commercial (RC) district:

Map	Lot	Number	Street
55	602	40	Sparks Ave.
55	603	42R	Sparks Ave.

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

#### **ARTICLE 51**

##### **(Zoning Map Change: CI to CN/Portion of 3 Shadbush Road)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Commercial Industrial (CI) district into the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
78	4.5	3	Shadbush Road

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

#### ARTICLE 52

#### **(Zoning Map Change: R-20 to VR and LUG-2 to VN, VR and V-TEC at 164, 165, 167, and 171 Hummock Pond Road)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions regarding property at 164, 165, 167, and 171 Hummock Pond Road:

- (1) By placing Assessor Map 65, Parcel 1 (171 Hummock Pond Road), currently located in the Residential 20 (R-20), district in the Village Residential (VR) district.
- (2) By placing a portion of Assessor Map 65, Parcel 38 (165 Hummock Pond Road), currently located in the Limited Use General-2 (LUG-2) district, in the Village Residential (V-R) district.
- (3) By placing a portion of Assessor Map 65, Parcel 38 (165 Hummock Pond Road), a portion of Assessor Map 65, Parcel 1.1 (171R Hummock Pond Road) and Assessor Map 65, Parcel 13.1 (164 Hummock Pond Road), currently located in the Limited Use General-2 (LUG-2) district, in the Village Trade Entrepreneurship and Craft (V-TEC) district.
- (4) By placing a portion of Assessor Map 65, Parcel 38 (165 Hummock Pond Road) and Assessor Map 65, Parcel 36 (167 Hummock Pond Road), currently located in the Limited Use General-2 (LUG-2) district, in the Village Neighborhood (V-N) district

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 52 R-20 to VR and LUG-2 to VN, VR and V-TEC at 164, 165, 167, and 171 Hummock Pond Road" dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 53

#### **(Zoning Map Change: Daffodil Lane and Mayflower Circle - R-20 to R-5 and Evergreen Way - LUG-2 to R-10, R-10L, and/or R-20)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Place the following properties, currently located in the Residential-20 (R-20) district in the Residential-5 (R-5) or Residential-5 Limited (R-5L) district:

Map	Lot	Number	Street
68	742	35	Daffodil Lane
68	741	34	Daffodil Lane
68	740	32	Daffodil Lane
68	739	30	Daffodil Lane
68	736	3	Mayflower Circle
68	735	5	Mayflower Circle
68	734	7	Mayflower Circle
68	733	9	Mayflower Circle
68	732	10	Mayflower Circle
68	731	8	Mayflower Circle
68	730	6	Mayflower Circle
68	729	4	Mayflower Circle

2. Place the following properties, currently located in the Limited Use General-2 (LUG-2) district in the Residential-10 (R-10) or Residential-10 Limited (R-10L) and Residential-20 (R-20) district:

68	714 (portions of)	30	Evergreen Way
68	713 (portions of)	28	Evergreen Way
68	712 (portions of)	26	Evergreen Way

3. Place the following property, currently located in the Limited Use General-2 (LUG-2) district in the Residential-10 (R-10) or Residential-10 Limited (R-10L) district:

68	711(a portion of)	24	Evergreen Way
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All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 53 Zoning Map Change: Daffodil Lane and Mayflower Circle - R-20 to R-5 and Evergreen Way - LUG-2 to R-10, R-10L, and/or R-20” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 54

##### **(Zoning Map Change: Evergreen Way, Daffodil Lane, and Davkim Lane - LUG-2 to R-40)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Limited Use General-2 (LUG-2) district in the Residential-40 (R-40) district:

Map	Lot	Number	Street
68	725	1	Daffodil Lane
68	722	2	Daffodil Lane
68	724	3	Daffodil Lane

68	719	4	Daffodil Lane
68	723	5	Daffodil Lane
68	727	1	Evergreen Way
68	726	3	Evergreen Way
68	721	9	Evergreen Way
68	720	11	Evergreen Way
68	718	13	Evergreen Way
68	717	15	Evergreen Way
68	716	17	Evergreen Way
68	715	19	Evergreen Way
68	710	22	Evergreen Way
68	709	20	Evergreen Way
68	708	18	Evergreen Way
68	707	16	Evergreen Way
68	706	14	Evergreen Way
68	705	12	Evergreen Way
68	704	10	Evergreen Way
68	703	8	Evergreen Way
68	702	6	Evergreen Way
68	701.1	4	Evergreen Way
68	701.2	4A	Evergreen Way
68	700	2	Evergreen Way
68	56.1	R	Davkim Lane

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 54 Zoning Map Change: Evergreen Way, Daffodil Lane, and Davkim Lane - LUG-2 to R-40” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 55

**(Zoning Map Change: LUG-2 to LUG-1 Surfside West and Surfside South - South Shore Road, Rachel Drive, Zachary Way, Tripp Drive, Correia Lane, Felcon Lane, Marilyn Lane, Masaquet Avenue, Morgan Square, Boulevarde, White Street, Pochick Avenue, Okorwaw Avenue, Lover’s Lane and Monohansett Road)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Place the following properties identified in the Surfside Area Plan as a portion of “Surfside West”, currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district:

Map	Lot	Number	Street
80	53.1	47	South Shore Road



80	53.2	43	South Shore Road
80	53.3	2	Rachel Drive
80	53.4	4	Rachel Drive
80	53.5	5	Rachel Drive
80	52	1	Zachary Way
80	51	8	Tripp Drive
80	51.1	12	Tripp Drive
80	51.2	4	Tripp Drive
80	51.3	2	Tripp Drive
80	53	3	Rachel Drive
80	54	16	Correia Lane
80	55	17	Correia Lane
80	56	15	Correia Lane
80	57	13	Correia Lane
80	58	9	Correia Lane
80	58.1	11	Correia Lane
80	59	12	Correia Lane
80	60	8	Correia Lane
80	61	4	Correia Lane
80	62	34	South Shore Road
80	63	3	Correia Lane
80	64	33	South Shore Road
80	53.1	47	South Shore Road
80	53.2	43	South Shore Road
80	53.3	1	Rachel Drive
80	53.4	4	Rachel Drive
80	53.5	5	Rachel Drive
80	115	52	South Shore Road
80	117	42	South Shore Road
80	118	36	South Shore Road
80	177	32	South Shore Road
80	294	1	Felcon Drive
80	296.1	29A	South Shore Road
80	296.2	29B	South Shore Road
80	296.3	29C	South Shore Road
80	296.4	29D	South Shore Road
80	311	53	South Shore Road
80	312	2	Zachary Way
80	313	3	Zachary Way

80	326	3	Marylin Lane
80	329	5	Felcon Drive
80	330	9	Felcon Drive
80	331	11	Felcon Drive
80	193	8	Masaquet Avenue
87	3.1	4	Morgan Square
87	3.2	2	Morgan Square
80	310	14	Tripp Drive
80	309	0	Tripp Drive

2. Place the following properties identified in the Surfside Area Plan as a portion of “Surfside South”, currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district:

Map	Lot	Number	Street
80	9	7	White Street
80	10	6	White Street
80	87	8	White Street
80	214	44	Boulevard
80	215	4	White Street
80	215.1	2	White Street
80	216	5	White Street
79	3	40	Lover’s Lane
79	29	1	White Street
79	28	1	Okorwaw Avenue
79	31	44	Lover’s Lane
79	80	54	Lover’s Lane
79	81	52	Lover’s Lane
79	82	50	Lover’s Lane
79	83	48	Lover’s Lane
79	84	46	Lover’s Lane
79	129	56	Pochick Avenue
79	61	0	Monohansett Road
79	60	38	Monohansett Road
79	63	50	Okorwaw Avenue
79	112	25	Monohansett Road
79	113	0	Okorwaw Avenue
79	148	15	Monohansett Road
79	173	48	Okorwaw Avenue
79	213	46	Okorwaw Avenue

79	131 (a portion of)	4	Okorwaw Avenue
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All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 55 Zoning Map Change: LUG-2 to LUG-1 Surfside West and Surfside South - South Shore Road, Rachel Drive, Zachary Way, Tripp Drive, Correia Lane, Felcon Lane, Marilyn Lane, Masaquet Avenue, Morgan Square, Boulevarde, White Street, Pochick Avenue, Okorwaw Avenue, Lover’s Lane and Monohansett Road” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 56

#### **(Zoning Map Change - South Shore Road from LUG-2 to R-10, R-20, and/or R-40 and Town and Country Overlay District Amendment)**

To see if the Town will vote to take the following actions:

1. Amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-2 (LUG-2) district in the Residential-10 (R-10), Residential-20 (R-20), or Residential-40 (R-40) district:

Map	Lot	Number	Street
67	336.7	9	S. Shore Road
67	336.8	7	S. Shore Road
67	336.9	5	S. Shore Road
67	336	3	S. Shore Road

2. Amend Chapter 139 of the Code of the Town of Nantucket, section 4E, by amending the map entitled “Town and Country Designations” by removing the following property from the Country Overlay District and placing it in the Town Overlay District:

Map	Lot	Number	Street
67	336 (a portion of)	3	S. Shore Road

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 56 Zoning Map Change - S. Shore Road from LUG-2 to R-10, R-20, and/or R-40 and Town and Country Overlay District Amendment” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 57

### (Zoning Map Change: R-10 to CN - Hooper Farm and Fairgrounds Roads and Sparks Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential-10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55	204	4	Hooper Farm Road
55	191	4	Sparks Avenue
55	192	6	Sparks Avenue
55	201	8	Sparks Avenue
55	202	10	Sparks Avenue
55	205	12	Sparks Avenue

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 57 R-10 to CN: Hooper Farm and Fairgrounds Road and Sparks Avenue” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 58

### (Zoning Map Change: Airport Property: LUG-3 and/or CI to R-5, R-10, and/or CN - 10 Sun Island Road and Zoning Bylaw Amendment: Town and Country Overlay District)

To see if the Town will vote to take the following actions:

1. Amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General-3 (LUG-3) and Commercial Industrial (CI) districts in the Residential-5 (R-5) and/or Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
69	3.1 (a portion of)	10	Sun Island Road

2. Amend Chapter 139 of the Code of the Town of Nantucket, section 4E, by amending the map entitled “Town and Country Designations” by removing the following property from the Country Overlay District and placing it in the Town Overlay District:

Map	Lot	Number	Street
69	3.1 (a portion of)	10	Sun Island Road

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 58 Zoning Map Change: Airport Property: LUG-3 and/or CI to R-5, R-10, and/or CN and Zoning Bylaw Amendment: Town and Country Overlay District” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

## ARTICLE 59

### **(Zoning Map Change: RC, R-1, ROH, and R-20 to R-40 -Town Open Space)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Place the following properties currently located in the Residential Commercial (RC) district in the Residential-40 (R-40) district:

Map	Lot	Number	Street
42.2.3	7	44	Washington Street
42.2.3	17	72	Washington Street
55.1.4	2 (a portion of)	50	Union Street

2. Place the following properties currently located in the Residential Old Historic (ROH) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
42.3.1	152.1	0	Fair Street
42.3.4	2.1		N. Liberty Street

3. Place the following properties currently located in the Residential-1 (R-1) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
30	53	11	Jefferson Avenue
55.4.4	58	19	Mill Hill Lane
55.4.4	60	17	Mill Hill Lane
55.4.4	83	15	Mill Hill Lane

4. Place the following properties currently located in the Residential-20 (R-20) district in the Residential-40 (R-40) district.

Map	Lot	Number	Street
41	85	118	Cliff Road
41	195	19	Dukes Road
41	196	21	Dukes Road
41	314	4	Tulip Lane
56	476	31	Meadow View Drive

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 59 RC, R-1, ROH, and R-20 to R-40 -Town Open Space" dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 60

### **(Zoning Map Change: RC-2, VR, LUG-1, and LUG-2 to LUG-3 - Country Open Space)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Place the following property currently located in the Residential Commercial-2 (RC-2) district in the Limited Use General-3 (LUG-3) district:

66	132 (a portion of)	15	Somerset Lane
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2. Place the following properties currently located in the Village Residential (VR) district in the Limited Use General-3 (LUG-3) district:

60	140	336	Madaket Road
60	142	3	Chicago Street
60	19 (a portion of)	3	Baltimore Street
59.3	40		South Cambridge Street
59.4	30		Goose Cove
59.4	87		K Street
59.4	92	48	Tennessee Avenue
59.4	93	50	Tennessee Avenue
59.4	200	50	Tennessee Avenue
60.1.2	70		Madaket Road
60.1.2	25	22	Tennessee Avenue
60.2.1	57/58	299	Madaket Road
60.2.1	59/60	297	Madaket Road
60.2.1	61	295	Madaket Road
60.2.1	62	37	Washington Avenue
60.2.1	96	39	Washington Avenue
60.3.1	7	38	Massachusetts Avenue
60.3.1	21		Rhode Island Avenue
60.3.1	149/150	32	Rhode Island Avenue
60.3.1	146	36	Rhode Island Avenue
60.3.1	192	43	New Hampshire Avenue
60.3.1	194	45	New Hampshire Avenue
60.3.1	204	30	New Hampshire Avenue
60.3.1	214	28	New Hampshire Avenue
60.3.1	216	26	New Hampshire Avenue
60.3.1	218	24	New Hampshire Avenue

3. Place the following properties currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-3 (LUG-3) district:

55.1.4	9.1	98	Washington Street
55.1.4	9.2	100	Washington Street
55.1.4	9.3	102	Washington Street

4. Place the following properties currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-3 (LUG-3) district:

Map	Lot	Number	Street
63	1	4	Sheep Pond Road
63	25	3	Sheep Pond Road
63	26	5	Sheep Pond Road
63	52	25	Sheep Pond Road
63	54	23	Sheep Pond Road
63	57	20	Sheep Pond Road
58	1 (a portion of)		Massasoit Bridge Road
58	156	8	Fisher's Landing Road
81	86	5	Hillside Avenue
87	92	4	Station Street
87	154		Weweeder Pond
87	81	32	Western Avenue
40	64	14	Eel Point Road
40	25.5	111	Madaket Road
66	1	124	Hummock Pond Road
66	1.1	120	Hummock Pond Road
66	132 (a portion of)	15	Somerset Lane
57	25		Barrett Farm Road
59	8		Massasoit Bridge Road
65	13	166	Hummock Pond Road

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 60, Zoning Map Change: RC-2, VR, LUG-1, and LUG-2 to LUG-3 - Country Open Space" dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 61

### (Zoning Bylaw Amendment: Accessory Apartment)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A (Definitions) as follows:

#### **ACCESSORY APARTMENT DWELLING**

A dwelling unit located within an owner-occupied detached single-family dwelling unit building, and subject to the following requirements:

(1) Unit size. The exterior architectural design, installation and use of an accessory apartment dwelling shall be secondary and incidental to harmonious with the principal appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling apartment shall not be less than 300 square feet, nor shall it be more than 800 the gross floor area of the primary dwelling and not greater than 550 square feet or 40% of the gross floor area, including the basement, of the principal structure within which the unit is installed, whichever is the lesser.

(2) Interior design. The accessory apartment dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. There shall be a maximum of two bedrooms in an accessory apartment. Rooms which might be converted at some future time to a bedroom, such as studies, studios, libraries and the like, shall be counted as bedrooms.

(3) Exterior design. Modifications to the exterior of an existing principal structure resulting from the installation of an accessory apartment or the design and construction of new homes with accessory apartments shall be consistent with the principal structure's predominant character as a single family home.

(4) Ownership. The entire structure in which the accessory dwelling apartment is installed contained shall be held in the same ownership.

(5) Year-round occupancy. As a condition for the issuance and continued validity of an occupancy permit for an accessory apartment, the owner shall execute and record against the deed to said property a restriction, running with the land and in favor of the Town of Nantucket, to the effect that occupancy of the accessory apartment shall be limited to natural persons domiciled in the Town of Nantucket year round and that the dwelling may not be offered for nor used for seasonal occupancy; and the owner shall file with the Town, prior to issuance of an occupancy permit and within 30 days of any change in ownership of the premises, an affidavit, signed under the pains and penalties of perjury by the owner of the principal structure, attesting to the fact that occupancy of the accessory apartment is and will be limited to natural persons domiciled in the Town of Nantucket year round and that the dwellings will not be offered for nor used for seasonal occupancy. The affidavit shall be renewed by the owner of the premises every three years as a condition for retaining an occupancy permit for the accessory apartment.

2. Amend section 7A by changing "Accessory Apartment" in the "Use" column to "Accessory Dwelling".
3. Amend section 18B, Table of Parking Requirements, Residential, by changing "Accessory Apartment" to "Accessory Dwelling".



Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 62

### (Zoning Bylaw Amendment: Tertiary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A (Definitions) by adding a new definition, in alphabetical order, as follows:

#### **TERTIARY DWELLING**

1. A third dwelling unit located on a lot. The tertiary dwelling shall be in the same ownership as at least one other owner occupied dwelling unit on the lot, and includes the following options:
  - a. A garage apartment not exceeding 550 square feet of gross floor area.
  - b. A dwelling unit attached to or within a single family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. The ground cover of the existing building shall not increase more than 550 square feet and the dwelling unit shall not contain more than 550 square feet of gross floor area.
  - c. A detached building containing not more than 550 square feet of ground cover and not more than 550 square feet of gross floor area.
2. In the R-5, R-10, and R-20 districts, a maximum of eight (8) bedrooms per lot shall be permitted at the following density:  
  
R-5: 1 bedroom per each 1,000 square feet of lot area;  
R-10: 1 bedroom per each 1,400 square feet of lot area;  
R-20: 1 bedroom per each 2,500 square feet of lot area;
3. Any waivers from the standards contained within subsections 1 or 2 of this definition may be granted through the issuance of a special permit by the Planning Board.
4. No more than 120 building permits for a tertiary dwelling shall be granted in any calendar year.

2. Amend section 7A as follows:
  - a. By inserting "Tertiary Dwelling" in the "Use" column below "Accessory Dwelling";
  - b. By inserting an "A" designation in the "Tertiary Dwelling" row for the R-5, R-10, R-

20, R-40, LUG-1, LUG-2, and LUG-3 districts, and a “N” for all other districts.

3. Amend section 18B “Table of Parking Requirements” as follows:
  - c. By inserting “Tertiary Dwelling” between “Accessory Dwelling” and “Apartment”;
  - d. By inserting a parking requirement of “1” in the R-5, R-10, R-20, R-40, LUG-1, LUG-2, and LUG-3 districts, and an “N/A” in all other districts.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 63

### (Zoning Bylaw Amendment: ‘Tiny House’ District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

In order to relieve some of the pressure for affordable, available housing for year-round residents and seasonal workers, a new Zoning District shall be established.

1. To amend section 2, definitions, as follows:

#### **TINY HOUSE**

A detached structure of less than 500 square feet containing a single dwelling unit, constructed on a moveable trailer, or a slab foundation. A tiny house may be accessory to an existing dwelling(s) on a lot, or constructed on a lot with multiple tiny house dwellings at a density of one unit for each 2,500 square feet of lot area. No commercial or other non-residential uses shall be permitted on a lot containing a tiny house. The Planning Board shall be the special permit granting authority.

2. To amend section 7A, use chart, by inserting in the “Use” column between “accessory apartment” and “garage apartment” a new use “Tiny House” to be allowed by Special Permit (SP) or as an Accessory Use (A) in all zoning districts.
3. To amend section 7B, prohibited uses in all districts, as follows:

(2) Use of a trailer or a building-like container for residential purposes or as a principal or accessory building or structure except such structures designated as “Tiny Houses” or as necessary for storage of chemicals and/or equipment by the Nantucket Fire Department.

4. To amend section 18B, table of parking requirements” by inserting a new column “Tiny House” with a parking requirement of 1 space in all districts.

Or to take any other action related thereto,

(Isaiah J. Stover, et al)

## ARTICLE 64

### (Zoning Bylaw Amendment: Miscellaneous Technical Changes)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend section 2 (Definitions), as follows:

#### ACCESSORY USES

Separate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. ~~Accessory uses shall not be construed to include a building or structure used in whole or in part for human habitation.~~

#### ADULT USES

All uses as described and defined in MGL c. 40A, § 9A, as may be amended from time to time to include: Any establishment which has 10% of its stock-in-trade on hand; whose sales, including rentals from such a portion of stock equals or exceeds 10% of monthly sales; or has 10% or greater floor area open to and observable by customers used for the display or storage of adult-oriented material, or as presentation time of live or recorded performances, shall be defined as an adult use. Adult uses are subject to the following standards:

(a) A minimum lot area of 20,000 square feet is required for adult uses.

(b) Adult uses shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses.

(c) A minimum separation, measured between lot lines, is required between adult uses and the following uses or areas:

Use/Area	Minimum Separation (feet)
State-certified public or private school	300
State-licensed day-care center	300
Religious institution	1,000
Public library	1,000

(d) A minimum ten-foot-wide vegetative buffer consisting of evergreen shrubs and trees not less than five feet in height at the time of the planting shall provide screening from adjacent lots, with exceptions for minimal driveway and utility access.

#### AFFORDABLE HOUSING

~~Dwelling units restricted to occupancy~~ Housing units whose sale or resale price is regulated to be occupied by households families with annual incomes less than 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

#### APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use...

#### BREEZEWAY

An above grade roofed passageway structure, open or enclosed, connecting two buildings. When used to connect a primary dwelling and secondary dwelling, any such breezeway shall be single story and not a bridge, and with be a minimum length of 10 feet and a maximum width of eight feet. Sub-grade connections of any structures on a lot shall not be regulated by this Chapter.

#### CAPITAL IMPROVEMENTS

~~Any permanent addition or modification to an affordable unit performed by a third party contractor or by the owner for which valid receipts are furnished documenting costs for labor and materials. In cases involving in-kind labor provided by the owner (sweat equity), the average value of two written estimates of the labor component of the improvement prepared by a licensed contractor before the work is initiated may be used to document capital improvement costs. Capital improvements shall not include routine maintenance expenses normally associated with depreciation such as repainting, reshingling or residing, replacement of furnaces, hot water heaters, pumps and wells, septic systems, or the like.~~

#### DUPLEX

A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. An accessory apartment located within a dwelling unit shall not constitute a duplex. In the R-1 and LG D districts only, both dwelling units shall be in the same ownership

#### FAMILY

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit household.

#### GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding tents, retaining walls,

substantially below grade finished or unfinished space, decks and unenclosed porches ~~not over or under an enclosed interior space~~, gazebos, platforms and steps, game playing courts at grade, ~~uncovered exterior~~ in-ground residential swimming pools, chimneys, bulkheads, bay and bow windows, unenclosed breezeways, air conditioning units, fuel tanks, ~~bow windows~~, roof eaves, and trash bins. ~~Also excludes, and not more than one accessory detached shed covering an area not to exceed more than 121~~ 200 square feet at grade.

#### HOUSEHOLD

~~One or more persons occupying the premises and living together as a single housekeeping unit.~~

#### INCLUSIONARY UNIT

~~Any rental dwelling unit required pursuant to § 139-11J whose rent, excluding utilities, does not exceed 30% of the gross income of an~~ restricted to employee occupancy occupant.

#### MODERATELY PRICED HOUSING

~~Housing units whose sale or resale price is regulated to be occupied by households with annual incomes between 100% and 125% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.~~

#### OCCUPIED

~~Includes the words, "designed, arranged or intended to be occupied."~~

#### PARKING SPACE

~~An area dedicated to the parking of a motor vehicle, singly or arranged with other parking spaces, meeting the dimensional requirements of set down in §139-18A(3), or otherwise legally nonconforming.~~

#### PERSONAL SERVICES

~~Establishments providing services generally related to personal non-medical needs, frequent or recurrent needed specialized non-medically related services, including, but not limited to: beauty and barber shops, clothing rental, garment repair shops, and shoe repair shops, tanning salons, photographic photography studios, psychic readers reading, tattoo or body piercing studio, or upholster shop, personal training . These uses may also include accessory retail sales of products related to the services provided. No personal service establishment shall exceed 3,000 square feet of floor area, and the aggregation of such service establishments on a lot (or on contiguous lots in one ownership) shall not exceed 4,000 square feet of floor area.~~

#### USED

~~As a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used."~~

2. Amend any section of this Chapter to remove references to Academy Hill District (AHD);

3. Amend section 7A, Use Chart, by replacing “N” with “Y” for the “Funeral home” use in the CI district;
4. Amend section 14 as follows:
  - A. Permitted uses in all districts:
    - (1) Apartments for occupants age 55 or older or disabled.
  - ~~B. Additional permitted uses in the OIH District:~~
    - ~~(12)~~ Medical facilities for long-term care Elder Housing Facility (nursing home);
    - ~~(23)~~ Services and facilities for the benefit of the elderly, long-term care residents, disabled persons, and/or others for whom social-welfare programs may be provided.
5. Amend section 25A as follows:
  - A. Enforcement. This chapter shall be enforced by a Zoning Enforcement Officer appointed by the Board of Selectmen Town Manager...
6. Amend section 29C as follows:
  - (1) The Board of Appeals may request that the Town Manager appoint a Zoning Administrator (not the Zoning Enforcement Officer), subject to confirmation by the Board of Selectmen, to serve at the pleasure of the Board of Appeals pursuant to such qualifications as may be established by the Board of Selectmen.
7. Amend section 29E as follows:
 

...

  - (e) To hear and decide appeals from decisions of the Zoning Administrator.
  - ~~(e) To act under the provisions of MGL c. 41, §§ 20 through 23 and MGL c. 41, §§ 81Y, Z, AA and BB.~~
  - ~~(f) The Chairman or, in his or her absence, the acting chairman, may administer oaths, summon witnesses, and call for the production of papers.~~
8. Amend section 33A(2) as follows:
  - (2) Any otherwise permitted alteration, reconstruction, extension or structural change of a building on a lot nonconforming as to lot area shall not result in an increase in ground coverage unless in accordance with the maximum ground cover limitations set forth in § 139-33E(1) below. An extension, alteration, or change to an existing structure or a

new structure that will result in an increase in the pre-existing nonconforming ground cover ratio of a lot may be allowed through the issuance of a special permit, provided that the special permit granting authority makes the following findings:

- a. The increase in ground cover ratio will not be substantially more detrimental to the neighborhood than the existing nonconformity;
- b. The resulting ground cover ratio is consistent with the character of the surrounding neighborhood; and
- c. The extension, alteration, or change to the existing structure or the new structure is conforming to other dimensional requirements of this Chapter.

9. Amend section 33A(4) as follows:

... ~~(b) Complete or partial removal and reconstruction of a structure(s) shall not result in an increase in the total ground cover ratio for the lot; ...~~

10. Amend section 33A(3) as follows:

... ~~New~~ lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 65

### (Zoning Bylaw Amendment: Definitions/Ownership)

To see if the Town will vote to amend the Nantucket Zoning By-law, Nantucket Code, Chapter 139, Section 2, Definitions, by inserting therein in alphabetical order the following new definition:

OWNERSHIP	Record title to land, as shown upon deeds or other muniments of title on file at the Nantucket Registry of Deeds, the Nantucket Registry District of the Land Court, the Registries of Probate, or other applicable public offices.
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or take other action with regard thereto.

*(Arthur I. Reade, Jr., et al)*

## ARTICLE 66

### (Zoning Bylaw Amendment: Definitions/Municipal)

To see if the Town will vote to amend the Nantucket Zoning By-law, Nantucket Code, Chapter 139, Section 2, Definitions, by inserting therein in alphabetical order the following new definition:

MUNICIPAL            Of or by the Town of Nantucket, the County of Nantucket, or any agency, board or department thereof; and specifically including the Nantucket Islands Land Bank.

or take other action with regard thereto.

*(Arthur I. Reade, Jr., et al)*

## ARTICLE 67

### (Zoning Bylaw Amendment: Major/Minor Site Plan Review)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 23 (Site plan review) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

A. ~~Purpose.~~ This Site Plan Review (SPR) Bylaw is enacted under authority of MGL c. 40A for the purposes of protecting the health, safety, convenience, and general welfare of the inhabitants of the Town of Nantucket, and to ensure compliance with this Chapter. ~~The SPR process regulates the use of land and structures, both those permitted as a matter of right, and those permitted by special permit, to ensure the following:~~

- ~~(1) The safety and convenience of pedestrian and vehicular movement internal to the site, and in relationship to abutting properties and rights-of-way;~~
- ~~(2) The consideration of the protection of the use and enjoyment of the property of abutters;~~
- ~~(3) The adequacy of methods for the disposal of stormwater runoff and sanitary wastes, and for the supply of potable water;~~
- ~~(4) The protection of the historic character of the community in a manner consistent with the Nantucket Historic District Commission guidelines entitled "Building with Nantucket in Mind," and consistent with other design guidelines referenced in, or a part of, this chapter; and~~
- ~~(5) The protection of natural features and environmental resources.~~

B. ~~Projects requiring site plan review. No permit for the construction, exterior structural alteration, relocation, occupancy or change in use of any building shall be given, and no residential, commercial, adult use or industrial use, or not-for-profit use shall be established or expanded except in conformity with a site plan approved in conformance with this section. SPR is required prior to the issuance of any building or use permit, except as follows:~~



~~C. Projects exempted from site plan review.~~

- ~~(1) The construction or enlargement alteration of any single-family or duplex dwelling, or building accessory to such dwelling, except when such dwellings are an integral part of an Major Commercial Development application pursuant to § 139-11 (MCD) of this chapter, and except where such dwellings are located in the Moorlands Management District, § 139-13 of this chapter;~~
- ~~(2) Any building used exclusively for agriculture, horticulture, viticulture, or floriculture;~~
- ~~(3) Any change of use which does not create an intensification of use requiring site plan modification, as determined by the Zoning Enforcement Officer;~~
- ~~(4) Any construction or alteration which has no effect on the footprint of the principal building or accessory structures, and does not add parking.~~
- ~~(5) Any special permit required under § 139-16B, C, and E; § 139-17C; and § 139-33A(5), except for such site information deemed necessary by the review authority to grant the relief requested.~~
- ~~(6) Any use specifically exempted from regulation pursuant to the Massachusetts General Laws.~~

~~D. Major and minor site plan review. A major site plan review shall be required in connection with any use requiring a major commercial development (MCD) special permit by the Planning Board pursuant to § 139-11 of the Zoning Code and MMD, adult use and WECS special permits, and ALC special permits pursuant to § 139-14C. Such major SPR shall be reviewed concurrent with such special permit pursuant to § 139-30. A minor site plan review shall be required for all those uses not requiring an MCD, MMD and WECS special permit, and not specifically exempted pursuant to § 139-23C of the Zoning Code.~~

~~E. Site plan review authority.~~

- ~~(1) Major site plan review: Planning Board.~~
- ~~(2) Minor site plan review: Zoning Enforcement Officer, except that the Zoning Board of Appeals shall be the site plan review authority ("review authority") for those uses within the threshold limits of this category for which a special permit is required from the Zoning Board of Appeals, and which are not otherwise exempted herein, and the Planning Board shall be the review authority for an MMD special permit with minor site plan review and for minor site plan review for open air markets.~~

~~FB. The special permit granting authority or a Zoning Enforcement Officer, where a special permit is not required, shall be the SPR authority. Required contents of site plan. The review authority may require that all site plans be signed and bear the stamp of a professional engineer when such plans require the design of drainage improvements and site grading. Otherwise, the review authority may accept plans prepared by a professional land surveyor, registered architect, landscape architect, or designer, as appropriate. The review authority may require that all plans showing property lines and/or dimensions from structures to property lines shall bear the stamp of a professional land surveyor. All site plans shall be on standard 18" x~~

~~24" or 24" x 36" sheets, or otherwise as deemed appropriate by the review authority, and shall be prepared at a scale appropriate to the size of the site, and the level of detail required (1" = 20' or 1" = 40' preferred).~~

~~(1) Minor site plan review.~~ The review authority may require the following information in connection with a ~~minor site plan review SPR~~. In ~~deciding~~ **determining** which requirements will apply to a specific application, the review authority shall consider the size and intensity of the use, and the unique circumstances of each application.

(a) Name of the project, locus, boundaries, North arrow, date, and scale of the plan;

(b) Key Map at a scale of 1" = 500', depicting the property with reference to surrounding properties, roads, and zoning district lines;

(c) Name and address of the owner of record, developer, and professional seal and certification of the certifying professional;

(d) Names and addresses of all owners of record of all abutting property owners;

(e) Existing lot lines, easements, and rights-of-way;

(f) The location, dimensions, and use of all existing and proposed structures within the site;

(g) Location and identification of all existing and proposed site improvements;

(h) General location and identity of all present and proposed utility systems;

(i) Erosion and sedimentation control measures;

(j) Existing and proposed topography at two-foot contour intervals, ~~only if new, or expanded parking and/or drainage structures are proposed;~~

(k) Flood Hazard (Overlay) District boundary, base flood elevation, and existing and proposed lowest floor elevation, pursuant to § 139-12A of this chapter, as applicable;

(l) Public Wellhead Recharge District boundary, pursuant to § 139-12B of this chapter, as applicable;

~~(m) A landscape plan, depicting existing and proposed vegetation;~~

**(m)** The location of wetlands regulated pursuant to Section 136 of the Wetlands Code, as applicable (for informational purposes);

~~(n)~~ **(n)** A Zoning Table, demonstrating compliance with the dimensional and bulk requirements of this chapter.

~~(p)~~ **(p)** Abutting land uses and the location and use of structures and appurtenant improvements on abutting properties;

~~(q)~~ **(q)** Location and identification of all existing and proposed site improvements, including public and private ways, parking areas, driveways, sidewalks, ramps, curbs, including traffic directional arrows and paintstriping; fences and buffers for screening purposes; paths; outdoor lighting fixtures; walls; service areas; refuse, and other waste disposal containers; standard specifications and typical cross-sections shall be provided, as appropriate;

~~(r)~~ **(r)** A landscape plan depicting existing natural vegetation, including the identity and location of trees four inches in diameter or greater; the location, size, and type of all existing ornamental

vegetation; and the location, size and type of proposed landscaping, conforming to the landscaping and buffering standards of this section;

(sr) Building elevations and perspective drawings, as submitted or to be submitted to the Historic District Commission (for informational purposes).

(2) Additional requirements for ~~major site plan review~~ SPR in connection with a major commercial development special permit or a use permit for a project within the Nantucket Cottage Hospital Overlay District (NCHOD) where expansion of the standards established in § 139-16 is requested. ~~The site plan requirements for a major site plan review shall include the information required in §§ 139-23F(1), 139-13C, and 139-21B, as applicable, as well as the following information:~~

(a) Storm drainage system details, including existing and proposed ~~stormwater drainage systems~~ drainage pipes; drainage swales; detention and/or retention ponds; catch basins, including leaching catch basins and leaching galleries; headwalls, endwalls, and manholes, including top of frame and invert elevations and pipe gradients; and associated storm drainage calculations;

(b) A traffic study, prepared by a professional engineer specializing in traffic analysis, identifying internal vehicular circulation patterns; estimated daily and peak-hour vehicle trips, generated by the existing use (if applicable), or from the proposed use of the site; the measured daily and peak-hour traffic flows, both weekday and weekend (non-holiday), measured during the period between June 15 and September 15, on public and private roads and key intersections expected to be impacted by the project; proposed composite daily and peak-hour traffic on public and private roads and key intersections; a documentation of impacts on level of service; and suggested remedial measures to mitigate the expected impacts of the proposed development.

#### ~~GC.~~ Waiver of required contents.

(1) Any applicant for ~~site plan review~~ SPR may request in writing a waiver of any requirements of § 139-23F~~B~~. ~~Waiver requests in connection with a minor site plan review shall be made in writing to the review authority. Requests for waivers to the Planning Board shall be made on a form prescribed by the Board. Each review authority may waive any such information requirements in accordance with such request which it feels are unnecessary in its judgment in order to make a finding that the review objectives and performance standards set down in § 139-23I and § 139-23J have been met. In granting such waivers, t~~The Planning and Zoning Board review authority shall document for the record their reasons for approving or denying each such waiver, and such waivers shall be approved by a majority vote of each Board present and voting, ~~except in the case of review by the ZEO.~~

(2) In general, the requirements of § 139-23F, Required contents of site plan, are the most stringent requirements which may be required of an applicant. Applications which, in the judgment of the review authority, have less potential for impact on the public health, safety, and well-being may be required to contain a lesser degree of detail. It is the intent of this section that any application which proposes new construction, including the addition of new impervious parking areas, will be subject to more stringent submission requirements. Any applicant who

~~intends to make application may request from the review authority a nonbinding opinion as to the possible plan content requirements for a specific use.~~

#### ~~H~~D. Site plan review procedures.

~~(1) Preapplication review process.~~ Any prospective applicant shall ~~may~~ arrange for a pre-application conference with the professional staff of each review authority. One or more coordinated review meetings ~~including staff from other applicable Town departments~~ may be scheduled prior to application submission for the purpose of reviewing alternative schematic plans, and to give technical feedback before the applicant makes a significant investment in the project. The prospective applicant may review schematic plans with the review authority on an informal basis.

~~(2) Application submission.~~ An applicant for a site plan review shall submit to the review authority's administrative office copies of a site plan containing the information required by the review authority, together with an application form and fee prescribed by the review authority. ~~The official date of receipt of such plans shall be the day such plans are stamped "received" by the respective administrative office. The Planning and Zoning Boards shall take action on any requests for a waiver of the requirements of § 139-23F. The applicant may be required to amend the application in accordance with those actions. Failure of the applicant to submit the necessary information may be grounds for denial.~~

#### ~~(3) Minor site plan review.~~

~~(a) For a (3)~~Any application for which the review authority is the Zoning Enforcement Officer, and which application requires a building permit, upon receipt of the application, and upon a determination that the application is complete, such Zoning Enforcement Officer shall act on the application within the time frame prescribed for the issuance of such building permit. For those applications which may not require a building permit, the Zoning Enforcement Officer shall ~~be acted~~ upon the application within 10 days, exclusive of Saturdays, Sundays, and legal holidays. ~~In the event that the site plan review is denied, the applicant may appeal such denial to the Zoning Board in the same manner as appeals from the action of the Building Commissioner are taken.~~

~~(b) For these a~~Applications for which the review authority is the ~~special permit granting authority Zoning Board~~, such Board shall act on such application ~~shall be acted upon concurrently~~ within the time frame prescribed by the Board's special permit procedures.

~~(4) Major site plan review.~~ Upon receipt of the application, the Planning Board shall make a determination that the application is complete. The application shall then be processed concurrent with the special permit application, and shall be subject to the same action time frames as such special permit.

#### ~~(5) Referrals.~~

~~(a) (4)~~ The Zoning and the Planning Boards, as review authorities ~~ies~~ for minor and major site plans, respectively, may request a report from other boards, commissions, or departments., including, but not limited to:

~~[1] Conservation Commission.~~

~~[2] Historic District Commission.~~

~~[3] Director of Public Works.~~

~~[4] Town Engineer.~~

~~[5] Fire Chief.~~

~~[6] Police Chief.~~

~~[7] Traffic Safety Committee.~~

~~[8] Health Director.~~

~~[9] Water Superintendent.~~

~~[10] Board of Selectmen.~~

~~[11] Commission on Disability.~~

~~(b) Such report shall be submitted within 15 days of the date of such request. Failure of any such agency board, commission, or department to submit such report within the prescribed action deadline fifteen (15) days of the date of the request shall not be cause for denial of the application.~~

~~I.E Review objectives. The Zoning Enforcement Officer, acting as review authority for certain applications for minor site plan review SPR, shall review the site plan, and shall take into consideration the reasonable fulfillment of review Objective No. 1 the purpose of this subsection. The Planning and Zoning Boards, respectively, special permit granting authority shall review the site plan and supporting documentation, and shall take into also consideration the reasonable fulfillment of the following review objectives:~~

~~(1) Conformance with the provisions of the Zoning Code of the Town of Nantucket, and all applicable provisions of the Massachusetts General Laws;~~

~~(21) Protection of public amenities and abutting properties through the mitigation of any detrimental impacts of any proposed use;~~

~~(32) Protection of unique, natural, scenic, or historic features of the site, and the minimization of the obstruction of scenic views, where applicable;~~

~~(43) The sSafety and convenience of pedestrian and vehicular movement within the site, and in relation to rights-of-way and properties in proximity to the site;~~

~~(54) Adequate Adequacy of proposed sewage and refuse disposal, and drainage of surface and subsurface water;~~

~~(6) Protection of the island's sole source aquifer;~~

~~(7) Protection of the public health and safety within and adjacent to flood hazard areas;~~

~~(8) Adequate Adequacy of off-street parking and loading;~~

~~(95) Minimization of traffic and safety impacts upon public and private rights-of-way;~~

~~(10) Adequacy of water supply system;~~

~~(116) The project will not place excessive demands on Adequacy of Town services and infrastructure.~~

~~JF.~~ Performance standards. In order to receive site plan review approval, any applicant must demonstrate compliance with the following performance standards shall be demonstrated:

~~(1) General design philosophy. All commercial and industrial developments which are the subject of any minor or major site plan review shall be developed in accordance with Section III, "Guidelines for Out-of-Town Commercial Development" of the publication entitled "Requirements and Guidelines for Major Commercial Developments," amended by vote of the Nantucket Planning Board on October 13, 1987.~~

~~(2) Access and traffic impacts. Applicants must demonstrate that the project will minimize traffic and safety impacts:~~

~~(a) To the extent feasible, access to the site shall be provided utilizing a common driveway or a side street.~~

~~(a) The number of curb cuts, particularly on the following major and minor collector roads, shall be minimized:~~

~~[1] Milestone Road.~~

~~[2] Polpis Road.~~

~~[3] Orange Street.~~

~~[4] Sparks Avenue.~~

~~[5] Surfside Road.~~

~~[6] Vesper Lane.~~

~~[7] Old South Road.~~

~~[8] Nobadeer Farms Road.~~

~~[9] Lower Pleasant Street.~~

~~(b) To the extent feasible, access to sites shall be via one of the following means:~~

~~[1] A common driveway serving adjoining properties;~~

~~[2] An existing side street;~~

~~[3] A loop road shared by adjoining properties.~~

~~(c) Curb cuts Driveway accesses shall be limited to the minimum width necessary for safe entering and exiting, and shall be designed to provide adequate sight distances;~~

~~(d) All driveways shall be designed to afford motorists with safe sight distances;~~

~~(e) The project design shall assure ensure safe pedestrian and vehicular circulation within the site;~~

~~(f) Any plan to minimize off-site traffic and safety impacts shall avoid conventional solutions to such impacts, including road widening, accel/decel lanes, traffic signals, etc. The Planning Board, as review special permit granting authority for major site plan reviews, may require that a traffic mitigation plan be submitted, which addresses the traffic impacts of a project through alternative physical layouts, staggered employee work schedules; public transit incentive programs for both employees and customers; or other innovative means of reducing traffic impacts.~~

~~(ge)~~ Sidewalks and/or bicycle paths may be required by either the Planning or the Zoning Board special permit granting authority.

~~(3) Lighting.~~ Lighting shall have a maximum permitted illumination of .5 footcandle unless otherwise permitted by the review authority. Lighting fixtures shall be shielded and directed to prevent glare on adjoining properties, and on public and private rights-of-way. The design and height of such lighting shall be in keeping with "Building with Nantucket in Mind," specifically the section entitled "New Commercial Design: Exterior Details."

~~(4) Parking.~~ Projects shall comply with the following standards governing parking and loading areas:

~~(a)~~ Projects shall comply with § 139-18 of this chapter entitled "Off-street parking requirements," and with § 139-20, entitled "Off-street loading facilities."

~~(bf)~~ Parking areas shall be designed to reduce their visual impact from public and private rights-of-way.

~~(c)~~ Parking areas shall be paved, unless the review authority determines that the scale of the site, location, and adherence to the general design philosophy of this section dictate that a shell or gravel driveway is more appropriate. A paved bituminous concrete apron, or apron consisting of a material of equal durability, shall be required where such parking areas or points of ingress or egress abut a paved private or public road.

~~(5) Landscaping.~~ Projects shall comply with the following requirements concerning the landscaping of any site subject to a minor or major site plan:

~~(a)~~ Plans shall be designed to preserve existing vegetation preserved to the greatest extent feasible;

~~(b)~~ Large parking areas (greater than 20 parking spaces) shall have internal landscaped islands;

~~(c)~~ Plans shall be developed in accordance with the screening requirements of § 139-19 of this chapter. ~~(g)~~ The Planning or Zoning Board special permit granting authority may, at its discretion, require enhanced landscaping features increase the screening requirements should it based on a determination determine that additional buffering landscaping is necessary to protect abutting properties and public and private roads from incompatible development.

~~(6) Stormwater runoff.~~

~~(ah)~~ All stormwater runoff from impervious surfaces shall be recharged on-site, unless, during the course of site plan review it is determined by the review authority that recharge is infeasible because of site conditions, or is undesirable because of uncontrollable risks to water quality from such recharge. Recharge shall be by surface infiltration through vegetated surfaces; by leaching catch basins or galleys; or by retention ponds; all as determined to be appropriate by the review authority, following a recommendation from the Town Engineer.

~~(b)~~ Projects located within the Public Wellhead Recharge District shall dispose of stormwater in accordance with the requirements of § 139-12B of this chapter.

~~(ci)~~ Detention/retention basins and drainage pipes Collection systems for stormwater runoff shall be designed for at least a twenty-five-year storm.

~~(7j)~~ Erosion and sedimentation control. The erosion and sedimentation control plan shall be in keeping with the scale of the project, and the perceived need be designed to protect

~~subsurface drainage systems, surface waters, public and private roads, and abutting properties from site-generated erosion and sedimentation. These measures are meant to complement any such measures required by the Conservation Commission as a part of its approval of any permit issued pursuant to Chapter 136 of the Town Code. Measures required by other agencies shall be shown on the plan. The review authority may require the following measures, among others:~~

- ~~(a) A gravel tracking pad to prevent the tracking of soil onto public or private roads.~~
- ~~(b) Catch basin inlets shall be wrapped with a filter fabric, or otherwise protected to prevent the entry of sediment into catch basins, and, particularly, leaching catch basins.~~
- ~~(c) Stormwater discharge pipes shall be ringed with hay bales or silt fence to prevent the entry of sediments into detention or retention basins, or wetlands and receiving waters or swales.~~
- ~~(d) Staked hay bales or silt fences, properly keyed below the ground surface, shall be used to protect adjacent properties where construction activities occur in close proximity to such properties.~~
- ~~(8) Hazardous materials or wastes. All storage facilities for fuel, hazardous materials, or wastes, and potentially harmful raw materials shall be stored indoors, or, if such storage is infeasible, outdoors in a roofed, impervious diked containment area, with a volumetric capacity equal to 1 and 1/2 times the volume of the materials. Such storage area, design, and specifications shall be depicted on the site plan. Such material storage is prohibited in the Public Wellhead Recharge District, § 139-12B.~~
- ~~(9) Noise. Any noise due to the construction or operation of any use shall comply with the requirements of Chapter 101 of the Town Code, entitled "Noise."~~
- ~~(10k) Utilities. Electrical, telephone, cable TV, and other such utilities shall be installed underground where physically and environmentally feasible. Any aboveground improvements ancillary to utility services to a site shall be depicted on the plan, and shall be properly screened. Any ground-mounted satellite communication devices may be subject to site plan review under any limited exclusion issued by the Federal Communications Commission (FCC).~~
- ~~(11l) Outside storage. Projects should plan for the indoor storage of materials to the greatest extent feasible. Any outdoor storage areas must be identified on the plan; be placed on a paved or gravel surface; and details provided concerning the screening of the storage area from the perspective of public or private roads shall be provided. Any such storage shall be on that portion of the site defined by an extension of the rear wall of the building to points intersecting with the side property lines, and the rear property line, unless specifically waived by the Planning or Zoning Boards following a finding that such storage areas are adequately screened from view. The plans shall specify the nature of the materials to be stored outdoors to the extent feasible.~~
- ~~(12) Accessibility to the handicapped. All site improvements shall comply with the requirements of the Americans with Disabilities Act (ADA).~~
- ~~(13) Additional requirements for adult uses. The purpose and intent of this subsection is to address and mitigate the secondary effects of the adult uses regulated herein. Such secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town, all of which secondary impacts are adverse to the health, safety, and general welfare of~~



~~the Town of Nantucket and its inhabitants. The provisions of this subsection have neither the purpose nor intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this subsection to restrict or deny access by adults to adult uses and to sexually oriented matter or materials protected by the Constitution of the United States of America and of the Commonwealth of Massachusetts, nor restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials. Neither is it the purpose or intent of this subsection to legalize the sale, rental, distribution, or exhibition of obscene or other illegal matter or materials. In addition to meeting the foregoing standards of Subsection J(1) through (12), inclusive, above, adult uses shall be evaluated in accordance with thresholds stated below:~~

~~(a) A minimum lot area of 40,000 square feet is required for adult uses.~~

~~(b) Adult uses shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses.~~

~~(c) A minimum separation, measured between lot lines, is required between adult uses and the following uses or areas:~~

<b>Use/Area</b>	<b>Minimum Separation (feet)</b>
State-certified public or private school	300
State-licensed day-care center	300
Religious institution	1,000
Public library	1,000
Other adult uses	500

~~(d) A minimum ten-foot wide vegetative buffer consisting of evergreen shrubs and trees not less than five feet in height at the time of the planting shall provide screening from adjacent lots, with exceptions for minimal driveway and utility access.~~

~~(e) Parking requirements shall be in accordance with the Code of the Town of Nantucket, as it may be amended from time to time.~~

#### **~~KG. Final action on site plan:~~**

~~(1) Before taking final action on a site plan, the review authority may require the applicant to make modifications to the proposed design of the project to ensure that the above-cited review objectives and performance standards have been met.~~

~~(2) The review authority shall take one of the following actions relative to the site plan:~~

~~(a) To approve the application, based on a finding that the proposed project as submitted or modified prior to action is in compliance with the review objectives and performance standards set forth in this section;~~

(b) To approve the application, subject to any reasonable conditions and modifications as the review authority may deem necessary to ensure conformity with the review objectives and performance standards of this section;

(c) To deny the application, based on finding that specific contents of the site plan are missing ~~inadequate~~, or that the site plan is not in compliance with the review objectives or performance standards set forth in ~~of~~ this section. ~~The Planning and Zoning Boards, as site plan review authorities, shall state upon the record of the meeting the specific reasons warranting such denial.~~ A denial of a minor site plan review shall occur only upon a determination by the review authority that the effect of the development on the public interest is so intrusive that no reasonable conditions can be developed to avoid that effect.

~~(3) The Planning and Zoning Boards, acting as review authorities, shall submit a letter to the applicant by certified mail confirming the action taken. A copy of such letter shall be sent to the Zoning Enforcement Officer.~~

#### ~~LH.~~ Administration.

(1) Any ~~minor site plan review~~ **SPR** approval shall lapse within two years of the date of issuance unless a building permit has been issued in connection therewith, or, in the case of a site plan not requiring a building permit, the commencement of site improvements. The review authority may by majority vote of its membership vote to extend this deadline upon receipt of a written request from the applicant demonstrating just cause for such extension.

(2) A certificate of occupancy shall be issued only upon a determination that the site improvements required under the site plan approval have been completed. In the event that certain improvements have not been completed, the review authority may accept a guarantee equal to 120% of the cost to complete the remaining improvements. A certificate of occupancy may be issued upon the receipt of proof submitted by the review authority acknowledging the receipt of such guarantee. The guarantee shall be released by the review authority upon notice from the Zoning Enforcement Officer that the improvements have been completed in accordance with the approved plan.

(3) Where the provisions of this section might conflict with any other section of this chapter, including the requirements and guidelines for major commercial developments,<sup>[1]</sup> the more stringent provisions shall apply.

~~M. Severability. The provisions of this section are severable. If any provision is held invalid or unconstitutional, the remaining provisions shall remain valid.~~

**NI.** Appeals. Any appeals from the decisions of the Zoning or Planning Boards, as review authorities for site plan reviews, shall be made in accordance with MGL c. 40A.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 68

### (Zoning Bylaw Amendment: Special Permit Granting Authority for Commercial Uses)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 30A, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

- A. The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter. In instances where any portion of a project involves a special permit application to the Planning Board for apartment, apartment building, elder housing facility, neighborhood employee housing, ~~and registered marijuana dispensary,~~ and tertiary dwelling all pursuant to § 139-2 and § 139-7A, business commercial, commercial industrial, and industrial uses as categorized in the “Use Chart” pursuant to § 139-7A, residential development options pursuant to § 139-8, and for certain uses in the Public Wellhead Recharge District pursuant to § 139-12B, ~~and for uses within the OSCOD pursuant to § 139-12L,~~ the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 69

### (Zoning Bylaw Amendment: Height Limitations)

To see if the Town will vote to amend the Nantucket Zoning By-law, Nantucket Code, Chapter 139, Section 17, Height Limitations, by inserting in Paragraph C the following new subparagraph (7) at the end thereof:

- (7) The height of a structure which is situated within the “Areas of 100-Year Flood” and/or the “Areas of 100-Year Coastal Flood with Velocity” as established by the Federal Emergency Management Agency (“FEMA”) and depicted upon the Flood Insurance Rate Map promulgated by FEMA, as from time to time revised, shall not exceed 28 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements.

or take other action with regard thereto.

*(Arthur I. Reade, Jr., et al)*

## ARTICLE 70

### (Zoning Map Change: R-1 and R-10 to CN and Zoning Bylaw Amendment: Nantucket Cottage Hospital Overlay District)

To see if the Town will vote to take the following actions:

1. To amend the Zoning Map of the Town of Nantucket as follows:

- a. By placing the following properties currently located in the Residential-1 (R-1) in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55	131	1	Surfside Road
55	633	3	Surfside Road
55	634	1A	Vesper Lane
55	635	1B	Vesper Lane

- b. By placing the following properties currently located in the Residential-10 (R-10) in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
55	247.1	16	Vesper Lane
55	247	18	Vesper Lane
55	248	20	Vesper Lane

- c. By placing the northern and western halves of Unnamed Ways abutting Assessor Map 55, Parcel 3, currently in the Residential-40 (R-40) district in the Commercial Neighborhood (CN) district.

2. To see if the Town will vote to amend to Chapter 139 of the Code of the Town of Nantucket by taking the following actions:

- a. By amending section 2A by inserting the following definitions, in alphabetical order:

**HOSPITAL**

A health care facility providing patient treatment with specialized staff and equipment. Including, but not limited to, bed-patient care, medical testing facilities, wellness center, rehabilitation facilities, medical offices (i.e. medical clinic), and ancillary facilities customarily associated with a hospital such as a helicopter landing pad, employee housing, maintenance facilities, retail sale of convenience and gift related items, and cafeteria and food services. A hospital shall be exempt from § 139-11.

- b. By amending section 3F by inserting the following:

**District****Abbreviation**

...

Village Height

VHOD

Nantucket Cottage Hospital Overlay District

NCHOD

- c. By inserting a new section 4G as follows:

The Nantucket Cottage Hospital Overlay District (§ 139-12J) is shown on a map entitled “Nantucket Cottage Hospital Overlay District” as may be amended from time to time.

- d. By placing the following properties in the Nantucket Cottage Hospital Overlay District:

Map	Parcel	Number	Street
55	3	57	Prospect Street
55	805	59	Prospect Street
55	130	61	Prospect Street
55	321 (a portion of)	47	Prospect Street
55	131	1	Surfside Road
55	132	3	Vesper Lane
55	632		Rear Vesper Lane
55	633	3	Surfside Road
55	634	1A	Vesper Lane
55	635	1B	Vesper Lane
55	247.1	16	Vesper Lane
55	247	18	Vesper Lane
55	248	20	Vesper Lane
Unnamed Way (on the east side of Assessor Map 55, Parcel 20) between the southern sideline of an unnamed way and the northern sideline of Vesper Lane			
Triangular portion of Prospect Street in vicinity of Unnamed Way and Prospect Street intersection			
Unnamed Way (on the north side of Assessor Map 55, Parcel 3) between the western sideline of Prospect Street and a line extending the western sideline of an unnamed way (on the west side of Assessor Map 55, Parcel 3)			

- e. By amending section 17A as follows:

... Height limitations, except as noted in the Village Height Overlay District and the Nantucket Cottage Hospital Overlay District, shall be as follows:...

- f. By amending section 18 by inserting the following parking standards:

Use	Parking Spaces Required
Elder Housing Facilities	1 space for every 2 beds
Hospital	2 spaces for every 1,000 square feet of gross floor area
Hospital Housing	1 space for every bedroom
Medical Office	1 space for each 200 square feet of gross floor area
Medical Supply Sales	
Office (including office for home care providers)	
Pharmacy	
Rehabilitation Center	1 space for every 2 beds
Specialty Testing Facilities	1 space for every 200 square feet of gross floor area
Wellness Center	1 space for every 200 square feet of gross floor area

g. By inserting a new section 12J as follows:

1. Nantucket Cottage Hospital Overlay District (NCHOD). The purpose of this overlay district is to maximize the efficiency of the existing hospital site and identified surrounding land, to provide for flexibility in the design and uses allowed at an expanded and modernized hospital campus, and to require major site plan review by the Planning Board where proposed expansion or alteration exceeds the maximum standards of the underlying CN district as established in § 139-16.
2. Notwithstanding the provisions of §139-7A, Elder Housing Facilities is permitted by-right in the NCHOD.
3. Notwithstanding the provisions of §139-16A or §139-16E, the Planning Board may grant through major site plan review expansion of ground cover ratio up to 50% and any reduction of open area.
4. Where major site plan review is required, dimensional requirements established in § 139-16 may be applied to the entire project area by-right without respect to individual lots;
5. Notwithstanding the provisions of §139-17, building height in the NCHOD shall not exceed fifty (50) feet for the primary hospital

structure. Any other structure(s) within the NCHOD shall be subject to the height limitations established in § 139-17. Roof structures for ornamental purposes (see § 139-17B(1)), roof mounted penthouses for mechanical purposes, antenna, and equipment shall be excluded from the maximum height requirements;

6. Lots within the NCHOD may be divided without the need for additional site plan review, provided that the use of the lot and the previously approved site plan is not modified;
7. Notwithstanding the provisions of § 139-18, off-street parking requirements may be provided off-site within the NCHOD for lots within the NCHOD.
8. Additional major site plan review requirements for the NCHOD:
  - a. The Planning Board shall hold a public hearing, for which notice is provided as specified in M.G.L. Chapter 40A, Section 11;
  - b. Failure of the Planning Board to take action within sixty (60) days of the public hearing, as such hearing may be extended by consent of the applicant, shall constitute an approval of the site plan and associated application;
  - c. The Planning Board shall approve the application, as submitted or modified, based on a finding that the project is in conformance with § 139-23. The Board may deny application if it determines that the effect of the project on the public interest is so intrusive that no reasonable conditions can be developed to avoid that effect.
  - d. Waivers in connection with major site plan review may be granted provided that such waiver (i) will improve the projects ability to service the health care needs of the town; (ii) is in the best interests of the town; and (iii) will not substantially derogate from the intent or purpose of this Chapter.

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 70 Zoning Map Change: R-1 and R-10 to CN and Zoning Bylaw Amendment: Nantucket Cottage Hospital Overlay District - Nantucket Cottage Hospital” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 71

### (Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket by taking the following actions:

1. Add the following parcels to the Siasconset Sewer District:

Map	Lot	Number	Street
73.4.2	36	40	New Street SIAS
73.4.2	125	41	New Street SIAS
73	54.2	43	New Street SIAS
73	54.1	45	New Street SIAS
73	9	44	New Street SIAS
73	6	47	New Street SIAS
73	6.2	49	New Street SIAS
73	54.3		New Street SIAS
73	6.1	53	New Street SIAS
73	5	55	New Street SIAS
73	125		New Street SIAS
73	54		New Street SIAS
73	3	63	New Street SIAS
73	3.1	65	New Street SIAS
73.3.1	1 (portion of)	38	Main Street SIAS
73	10	39	Main Street SIAS
73	8/8.1	43	Main Street SIAS
73	55.2	318	Main Street SIAS
73	55.3	320	Main Street SIAS
73	55.4	322	Main Street SIAS
73	55.5	324	Main Street SIAS
73	55.6	326	Main Street SIAS
73	4	1	Manatook Way
73	82	3	Manatook Way
73	83	5	Manatook Way
73	98	1	Hydrangea Lane
73	85	2	Hydrangea Lane
73	97	3	Hydrangea Lane
73	86	4	Hydrangea Lane
73	96	5	Hydrangea Lane
73	87	6	Hydrangea Lane
73	95	7	Hydrangea Lane
73	88	8	Hydrangea Lane
73	94	9	Hydrangea Lane
73	89	10	Hydrangea Lane
73	93	11	Hydrangea Lane
73	90	12	Hydrangea Lane



73	92	13	Hydrangea Lane
73	91	14	Hydrangea Lane
73.4.1	2	40	Burnell Street
49.3.2	16	44	Burnell Street
49.3.2	1.4	55	Burnell Street
49.3.2	1.1	63	Burnell Street
49.3.2	1.2	73	Burnell Street
49.3.2	1.3	83	Burnell Street
73.4.1	3	25	Clifton Street
49.3.2	1	23	Clifton Street
49.3.2	34	21	Clifton Street
49.3.2	19	21R	Clifton Street
49.3.2	21 (portion of)	20	Sconset Avenue
49.3.2	32	16	Sconset Avenue
49.2.3	77.2	5	Eldridge Lane
49.3.2	4.1	3	Jennifer Lane
49	76	9	Meetinghouse Lane
49.3.2	3.2	11	Meetinghouse Lane
49.3.2	3.3	15	Meetinghouse Lane
49	69	55	Sankaty Road
49	79	56	Sankaty Road
73.3.2	58.2	6	Underhill Lane
73.3.2	58.3	8	Underhill Lane
74	84 (portion of)	15	Low Beach Road
74	85 (portion of)	17	Low Beach Road
74	83	19	Low Beach Road
74	56	40	Low Beach Road
74	82 (portion of)	1	Stone Post Way
74	81	3	Stone Post Way
74	38.2 (portion of)	4	Stone Post Way
74	80	5	Stone Post Way
74	38.1	6	Stone Post Way
74	79	7	Stone Post Way
74	78	8	Stone Post Way
73.3.2	74	11	Stone Post Way
73.3.2	73	15	Stone Post Way
73.3.2	36	16	Stone Post Way
73.3.2	72	19	Stone Post Way
73.3.2	67	20	Stone Post Way
73.3.2	71	23	Stone Post Way
73.3.2	68	24	Stone Post Way
73.3.2	70	27	Stone Post Way
73.3.2	69	28	Stone Post Way
73.3.2	83	3	Hedge Row
73.3.2	38	25	Morey Lane

49	195	1	Windsor Road
49	196	3	Windsor Road
49	1	5	Windsor Road
49.3.2	17	3	Plainfield Road
73.4.1	1	4	Plainfield Road
49	172	5	Plainfield Road
49	173	6	Plainfield Road
49	171	7	Plainfield Road
49	174	8	Plainfield Road
49	170	9	Plainfield Road
49	175	10	Plainfield Road
49	169	11	Plainfield Road
49	173	12	Plainfield Road
49	177	14	Plainfield Road
49	168	15	Plainfield Road
49	178	16	Plainfield Road

2. Remove the following parcels from the Siasconset Sewer District:

48	5	122	Baxter Road
48	7	119	Baxter Road
73.2.3	1	26	Ocean Avenue
73.3.2	15	28	Ocean Avenue
73.3.2	16	32	Ocean Avenue
73.3.2	53 (portion of)	51	Ocean Avenue
74	74 (portion of)	2	Low Beach Road
74	77 (portion of)		Low Beach Road
74	76 (portion of)	6	Low Beach Road
74	75 (portion of)	8	Low Beach Road
74	72 (portion of)	10	Low Beach Road
74	50	20	Low Beach Road

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 71, Siasconset Sewer District Changes” dated January 2015 and filed herewith at the office of the Town Clerk.

*(Board of Selectmen/Sewer Commissioners)*

## ARTICLE 72

### **(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes)**

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3B (Town Sewer District) of the Code of the Town of Nantucket by taking the following actions:

1. Add the following parcels to the Town Sewer District:

Map	Lot	Number	Street
67	385	16	Green Meadows
30	74.2		Cliff Road
30	607	80	Cliff Road
30	165 (portion of)	81	Cliff Road
30	166	83	Cliff Road
30	606	85	Cliff Road
30	280	82A	Cliff Road
30	274	82B	Cliff Road
30	74.1	84	Cliff Road
30	268	92	Cliff Road
30	75	94	Cliff Road
41	15	96	Cliff Road
41	14	100	Cliff Road
41	269	100A	Cliff Road
41	13	102	Cliff Road
41	11	104	Cliff Road
41	12.1	104	Cliff Road
41	853	106	Cliff Road
41	89	108	Cliff Road
41	90	3	Westmoor Lane
41	218	6	Derrymore Lane
41	100	8	Derrymore Lane
41	101	10	Derrymore Lane
41	17	34	Derrymore Lane
30	74	1	King's Way
30	604	2	King's Way
41	16.1	3	King's Way
30	605	4	King's Way
41	16.2	5	King's Way
30	276	6	King's Way
30	277	8	King's Way
41	806	109	West Chester
41	16.3	35	Pilgrim Road
41	16.4	37	Pilgrim Road
30	74.3	39	Pilgrim Road
67	893	18	Rugged Road
67	165	20	Rugged Road
67	164	24	Rugged Road
67	813	2	Fox Grape Lane
67	810	4	Fox Grape Lane
67	808	6	Fox Grape Lane
67	806	8	Fox Grape Lane
67	805	10	Fox Grape Lane

67	803	1	Scotch Broom Path
55	213	79	Milk Street
41	410 (portion of)	35	Madaket Road
41	901 (portion of)	6	Hickory Meadow Lane
68	150	1	Dooley Court
68	151	3	Dooley Court
68	156	4	Dooley Court
67	800	1	Wood Lily Road
67	835	2	Wood Lily Road
67	801	3	Wood Lily Road
67	836	4	Wood Lily Road
67	802	5	Wood Lily Road
67	837	6	Wood Lily Road
67	804	7	Wood Lily Road
67	841	8	Wood Lily Road
67	807	9	Wood Lily Road
67	819	10	Wood Lily Road
67	809	11	Wood Lily Road
67	815	12	Wood Lily Road
67	811	13	Wood Lily Road
67	812	15	Wood Lily Road
67	814	17	Wood Lily Road
67	834	2	Cranberry Lane
67	833	4	Cranberry Lane
67	832	1	Blazing Star Road
67	831	2	Blazing Star Road
67	839	3	Blazing Star Road
67	830	4	Blazing Star Road
67	840	5	Blazing Star Road
67	829	6	Blazing Star Road
67	826	8	Blazing Star Road
67	825	10	Blazing Star Road
67	823	12	Blazing Star Road
67	822	14	Blazing Star Road
67	820	16	Blazing Star Road
67	827	1	Blue Flag Path
67	828	2	Blue Flag Path
67	824	2	Thistle Way
67	821	4	Thistle Way
67	818	6	Thistle Way
67	817	8	Thistle Way
67	816	10	Thistle Way
67	162	21	Ticcoma Way
67	163	25	Ticcoma Way

68	75	30	Ticcoma Way
67	57	1	Bayberry Lane
68	71	2	Bayberry Lane
67	59	3	Bayberry Lane
67	58	4	Bayberry Lane
67	60	5	Bayberry Lane
67	73	6	Bayberry Lane
67	61	7	Bayberry Lane
67	72	8	Bayberry Lane
67	62	9	Bayberry Lane
67	71	10	Bayberry Lane
67	63	11	Bayberry Lane
67	70	12	Bayberry Lane
67	64	13	Bayberry Lane
67	69	14	Bayberry Lane
67	65	15	Bayberry Lane
67	68	16	Bayberry Lane
67	66	17	Bayberry Lane
67	67	18	Bayberry Lane
59	96.4	15	Somerset Road
56	96.2 (portion of)	9B	Hussey Farm Road
56	97	11	Hussey Farm Road
56	463 (portion of)	4	Manchester Circle
69	31 (portion of)		Old South Road
Lot 1 shown on Plan No. 2013-26, filed at the Registry of Deeds			

2. Remove the following parcels from the Town Sewer District:

Map	Lot	Number	Street
4	393	17	Grove Lane
29	2		Bathing Beach Road
29	3		Bathing Beach Road
29	50		Bathing Beach Road
29	88	62	N. Water Street
29	89		N. Water Street
30	116		Lincoln Park
41	29	48	Cliff Road
42.4.3	47	8	Wesco Place
42.4.3	48	19	N. Liberty Street
42.4.4	33.4	10	Folger Lane
55	600	44	Sparks Avenue
55	241	46	Sparks Avenue
67	16	9	Backus Lane
55	628	17	Backus Lane
55.4.4	83	15	Mill Hill Lane

55.4.4	60	17	Mill Hill Lane
55.4.4	58	19	Mill Hill Lane
67	82.1		Surfside Road
67	345	1	Miacomet Road
67	641	43	Essex Road
29	119	11	Galen Avenue
29	120	9	Galen Avenue
42.4.4	54.2		North Avenue
42.4.4	54.1		North Avenue
55	402	112	Orange Street
55	414 (portion of)	6	Goose Pond Lane
41	587	46	Madaket Road
41	586	48	Madaket Road
41	585	50	Madaket Road
41	584	52	Madaket Road
41	583	54	Madaket Road
41	582	56	Madaket Road
41	314	4	Tulip Lane
41	195	19	Dukes Road
41	196	21	Dukes Road
41	529	5	Saratoga Lane
42.3.1	152.1	0	Fair Street
42.1.4	3		Easton Street Park
42.3.4	156		Rear Woodbury Lane
42.3.4	1	17	North Liberty Street
42.3.4	2.1		North Liberty Street
55.1.4	2 (portion of)	50	Union Street
42.3.2	23.2	30A	Washington Street
42.3.2	23.3	30B	Washington Street
42.2.3	38	60	Washington Street
42.2.3	14	66	Washington Street
42.2.3	17	72	Washington Street
42.2.3	18	74	Washington Street
42.2.3	19	76	Washington Street
55.1.4	9.2	98	Washington Street
55.1.4	9.1	100	Washington Street
55.1.4	9.3	102	Washington Street
55.1.4	38	111	Washington Street
55.1.4	71	111	Washington Street
42.2.4	8		New Whale Street
55.1.4	15		Consue Springs
55	407	4	Goose Pond Lane
55.4.4	15	10	Mill Street

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 72, Town Sewer District Changes” dated January 2015 and filed herewith at the office of the Town Clerk.

*(Board of Selectmen/Sewer Commissioners)*

#### **ARTICLE 73**

##### **(Bylaw Amendment: Board of Sewer Commissioners/ Siasconset Sewer District Map Changes)**

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Siasconset Sewer District:

MAP	LOT	NUMBER	STREET
49.3.2	34	21	Clifton Street
49.3.2	1	23	Clifton Street
73.4.1	3	25	Clifton Street
49.3.2	1.4	55	Burnell Street
49.3.2	1.1	63	Burnell Street
49.3.2	1.2	73	Burnell Street

Or to take any other action related thereto.

*(Erika D. Mooney, et al)*

#### **ARTICLE 74**

##### **(Bylaw Amendment: Board of Sewer Commissioners/ Town Sewer District Map Changes)**

To see if the Town will vote to: Amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding Assessor's Map 67, Parcels 162, 162.1, 162.2, and 162.3, 21 Ticcoma Way and 4, 6, and 8 Micheme Lane, all formerly shown as Parcel 162 or Assessor's Map 67, 21 Ticcoma Way, to the Town Sewer District, as shown on a map entitled "Plan to Accompany Warrant Article to Place 21 Ticcoma Way and 4, 6, and 8 Micheme Lane, all formerly known as 21 Ticcoma Way, in the Town Sewer District," dated October, 2014, and file herewith at the Office of the Town Clerk, or to take any other action related thereto.

*(Alfred Terry Sanford, et al)*

#### **ARTICLE 75**

##### **(Bylaw Amendment: Board of Sewer Commissioners/ Town Sewer District Map Changes)**

To see if the Town of Nantucket will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3a (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Town Sewer District:

MAP	PARCEL	STREET ADDRESS
80	297.3	4 SOUTH PASTURE LANE
80	297.4	6 SOUTH PASTURE LANE
80	429	6 ½ SOUTH PASTURE LANE

80	297.5	8 SOUTH PASTURE LANE
80	297.6	10 SOUTH PASTURE LANE
80	297.7	12 SOUTH PASTURE LANE
80	430	14 SOUTH PASTURE LANE
80	297.8	SOUTH SHORE ROAD (1-FOOT STRIP)

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article \_\_\_\_\_ Town Sewer District Expansion" dated November 21, 2013 and filed herewith at the office of the Town Clerk.

*(Linda F. Williams, et al)*

## ARTICLE 76

### (Bylaw Amendment: Poles and Wires, Removal of)

To see if the Town will vote to amend Chapter 113 (Poles and Wires, Removal of) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

#### Chapter 113

#### Poles and Wires, ~~Removal of~~

#### § 113-7. Town use of facilities.

The Town reserves the right to place or maintain, free of charge, wires, signal circuits, signal supply circuits, fiber optic cable and any other equipment or facilities related thereto attached to these circuits belonging to the Town and used by it exclusively for municipal purposes within any new or existing underground facilities, or upon any utility pole or structure which occupies space within the municipal right of way. ~~to the extent excess capacity exists.~~ The Town shall be allowed reasonable access whenever necessary to place, maintain or remove its wires, cables, circuits and equipment within such facilities ~~where excess capacity exists.~~

Or take any other action related thereto.

*(Board of Selectmen)*

## ARTICLE 77

### (Bylaw Amendment: Peace and Good Order)

To see if the Town will vote to amend Chapter 105 (Peace and Good Order), Article IV (Public Entertainment) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

#### § 105-7. Exceptions.



This article shall not apply to events sponsored by the Town of Nantucket or the Nantucket School Committee or a Nantucket church or a Nantucket religious denomination or to events occurring in an establishment licensed under MGL c. 140, §183A.

#### **§ 105-8. Permit Required.**

No person or persons shall engage in, participate in, aid, perform at, form or sponsor any public entertainment reasonably expected to attract 250 persons or more, unless a public entertainment permit shall have been obtained from the Board of Selectmen. No person or persons shall engage in, participate in, aid, perform at, form or sponsor any organized athletic event, unless a public entertainment permit shall have been obtained from the Board of Selectmen.

#### **§ 105-9. Application.**

E. Fee. ~~There shall be paid at the time of filing the application for a public entertainment permit a non-refundable fee of \$25.~~ From time to time the Board of Selectmen may set a reasonable non-refundable application fee for a public entertainment license.

#### **§ 105-10. Hearing; standards for permit issuance; notice of decision.**

B. The Board of Selectmen shall issue a permit after the public hearing as provided for hereunder when, from a consideration of the application and from such information as may be obtained at the hearing, including any recommendation that may be received from the Nantucket Park and Recreation Commission, the Board finds that:

(7) Appropriate food service permits shall be obtained from the Health Department for any and all events where food items are served to the public.

Or to take any other action related thereto.

*(Board of Selectmen)*

### **ARTICLE 78**

#### **(Bylaw Amendment: Peace and Good Order)**

To see if the Town will vote to amend Chapter 105 (Peace and Good Order), Article V (Street Performers) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

#### **§ 105-16. Permit required.**

- A. A street performer's permit shall be issued by the Town to each applicant in exchange for a completed application and ~~a fee of \$50.~~ payment of the applicable fee as from time to time is determined by the Board of Selectmen.
- B. A completed application for a permit, and the permit itself, shall contain such information as may be required by the Town and shall include the applicant's name, current

address, permanent address, ~~social security number~~ and telephone number. The permit application shall be signed by the applicant and it shall specify the type of performance for which a permit is requested.

- C. The permit shall be valid from the date on which it is issued to the end of that calendar year.
- D. The permit shall be nontransferable and shall state the applicant's name, type of performance, the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit.

#### **§ 105-18. Permitted performances.**

- C. No performer or group of performers may generate sound exceeding a sound level of 80 decibels (db) measured at a distance of 50 feet from the performer or group of performers. The use of sound amplification equipment, ~~equipment or devices to provide background, pre-recorded accompaniment or electronic tempo or background music is expressly prohibited.~~ The use of devices or equipment to generate original sound such as an electric guitar amplifier or electric keyboard shall not be prohibited. The use of internal combustion power generators is prohibited.
- D. A performer may not create any interference with the traffic flow of the public through a public area. ~~The use or placement of power cords along or across a public sidewalk or way is prohibited.~~

#### **§ 105-20. Violations and penalties.**

- A. Noncriminal disposition. Whoever violates any provision of this article may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The penalty for each violation shall be ~~\$50~~ **\$100**.
- B. Suspension of permit. A performer who provides false information on the application may have his/her permit permanently suspended. If a performer is found to be in violation of any other provision of this article, the Chief of Police may suspend a permit for no more than 30 days. Any permit holder who disputes the suspension may appeal to the Board of Selectmen.

Or to take any other action as may be related thereto.

*(Board of Selectmen)*

### **ARTICLE 79**

#### **(Bylaw Amendment: Wharves and Waterways)**

To see if the Town will vote to amend Chapter 137 (Wharves and Waterways, Town) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

## § 137-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HARBOR MASTER (~~MARINE SUPERINTENDENT~~)—Chief Harbor Master, duly empowered by the General Laws of the Commonwealth of Massachusetts.

JET SKI -- A ski propelled by machinery and designed to travel over water.

MOORING -- Any space upon a waterway wherein a vessel is confined by wet slip, float, mooring, rack, sling, haul-out, trailer or other type of docking facility.

OFFICIAL WAITING LIST -- The official list of names of mooring permit applicants managed by the Town and maintained in the office of the Harbor Master.

PERSONAL WATERCRAFT -- A small vessel of less than 16 feet in length which uses an inboard motor powering a water jet pump or a propeller as its primary source of motive power and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside a vessel. This term includes jet skis, wet bikes and surf jets.

RESCUE PERSONNEL -- ~~State and federal law enforcement officials, Nantucket Fire Department, Police Department, Marine and Coastal Resources Department personnel and Nantucket Sheriff's Department Dive Team members.~~

SURF JET -- A surfboard propelled by machinery and designed to travel over water.

WET BIKE -- A vessel designed to travel over water, supported by skis propelled by machinery.

## § 137-2. Town wharf use regulations.

- A. Except in an emergency, no boats shall be made fast to any of the Town's wharves, floats or piers without the permission of the Harbor Master.
- ~~B. There shall be no scaling or cleaning of fish or shellfish on any of the Town's wharves, ramps, floats or piers from Brant Point inward of Nantucket Harbor or in Hither Creek from Jackson's Point inward.~~
- ~~C.~~<sup>B</sup> No person shall leave any boat or vessel, fishing equipment, fish or any other personal property upon Town landing places, floats, wharves or pier for longer than is necessary in the act of loading or unloading the same to and from boats or vehicles.
- ~~D.~~<sup>C</sup> The Town shall not be responsible for any loss or damage to boats or vessels at the Town wharves, floats, pier or moorings. Owners will be held responsible for damage caused by them or their vessels to structures and pilings and related facilities owned by the Town.

~~E.~~D No warp or line shall be passed across the channels or any dock so as to obstruct or interfere with vessels navigating in the area.

~~F.~~E Except in an emergency, no boats shall fuel at any of the Town's wharves, floats or piers without the permission of the Harbor Master.

**§ 137-3. ~~Additional Use~~ regulations.**

D. No vessel or watercraft of any kind whatsoever which is unseaworthy or in badly deteriorated condition or which is likely to injure a person or damage private or public property or which might become a menace to navigation shall be permitted to moor in Town waters or tie up at the Town wharves. The Harbor Master may determine whether any watercraft is unseaworthy, dangerous or in a badly deteriorated condition to render it unsafe. Upon making such a determination, the Harbor Master shall give notice to the owner, in writing, of such determination as follows: (a) if the owner is known, then by mail or hand-delivery; (b) if the owner is unknown, then by publication in a newspaper of general circulation within the Town. If, after 10 days following the publication or written notice as provided in the preceding sentence, the owner has failed to remedy the conditions leading to the determination, the Harbor Master may take appropriate steps for removal of same. At any time, the Harbor Master, notwithstanding the foregoing, may act immediately in the event of an emergency to take appropriate steps for immediate removal of any watercraft that presents an eminent threat to life or property; provided, however, that as soon as practicable after taking such action, notice of the action taken shall be provided in the manner set forth in this section. If, after 30 days from the date of notice or publication, the owner of the removed vessel shall fail to reimburse the Town for removal costs, the vessel may then, at the discretion of the Harbor Master, be sold at public auction to cover the costs of removal. If said auction produces surplus proceeds after payment of the costs of removal, said surplus shall be held in a separate account and be paid over to the owner upon proof of ownership. This shall not be deemed to apply to vessels in immediate distress as a result of current emergencies.

~~E. Scope and size of chain on moorings. Length of mooring chain shall be at least the vertical height above the sea bottom to four feet above mean high water. Moorings for boats 10 feet to 23 feet in length shall have a chain of 3/8 inch or larger; moorings for boats from 24 feet to 32 feet in length shall have a chain of 1/2 inch or larger; and moorings for boats 33 feet or larger in length shall use a chain of 5/8 inch. Maximum length of chain shall be no more than 2.5 times the maximum depth of the water, except where the Harbor Master determines otherwise. The location of all moorings shall be determined from time to time by the Harbor Master. No mooring shall be located in the main stream or any channel of any of the harbors of the Town, unless, in the opinion of the Harbor Master, the particular circumstances require it. Moorings shall be located so that vessels lying on them shall not block any channel or approach to wharves or other moorings in the vicinity or create any other hazard to navigation. Overall pennant length shall be no longer than eight feet in all areas other than the General Anchorage. Pennant line size shall be 3/8 inch for boats up to 10 feet, 7/16 inch for boats 11 feet to 23 feet, 1/2 inch for boats 24 feet to 32 feet and 5/8 inch for boats greater than 33 feet.~~

- ~~F. Any mooring will be inspected by a representative of the Marine & Coastal Resources Department or its designated representative every three years, and a mooring owner may be ordered by the Harbor Master to remove or relocate his/her mooring whenever, in the judgment of the Harbor Master, the safety of other vessels or the optimum use of the area requires such action. The expense of such removal or relocation shall be the responsibility of the owner. Except in emergency situations, an owner shall have at least 14 days to relocate or remove a mooring when so ordered by the Harbor Master. All private moorings shall be removed from any shellfish areas prior to October 15. If the mooring is a Helix type, then the mooring must be outfitted with an approved cap.~~
- ~~G. Each mooring buoy, both summer and winter, shall be painted white and have a minimum one inch blue band visible above the water and shall be marked with numbers assigned by the Harbor Master Department. The numbers and/or letters shall be a minimum of three inches in height and be clearly visible at all times. All moorings will be marked with the appropriate grid location when assigned by the Harbor Master. Spar buoys shall be upright at all times and not less than 40° at any period of tide and not less than 18 inches exposed. Mooring buoys shall be of customary shape and materials, and the Harbor Master may order the removal of any buoys deemed to be inappropriate in form or appearance. A mooring permit sticker assigned by the Harbor Master shall be affixed to the port side of the bow or the port side of the mast on classic design wooden sailboats. The number will correspond with the number on the mooring float.~~
- ~~H. Commercial or business use of any vessel or watercraft docked at any Town-owned dock, pier or wharf is prohibited, except:~~
- ~~(1) Charter or commercial fishing boats; or other uses defined as "water dependent" within the meaning of MGL c. 91, § 1, provided that such uses and the vessels employed in such uses are first allocated dock space in accordance with regulations to be adopted by the Board of Selectmen after a public hearing.~~
- I.E** ~~Effective May 1, 1990, n~~**No** vessel or watercraft of any kind whatsoever which is painted with paints containing butyltin compounds shall be permitted to moor in Town waters or tie up at the Town wharves, whether private or public.

#### **§ 137-4. Mooring regulations.**

- ~~A. Any vessel habitually moored in Nantucket shall obtain a mooring permit from the Harbor Master. No permit for a mooring, float or raft shall be transferable to another person, except to a person within the immediate family of the permittee upon approval of the Harbor Master.~~
- ~~B. All moorings must be registered and no mooring shall be placed or maintained in any of the waters of the Town without the approval of and registration by the Marine Department. Only vessels owned by the person holding the permit or lawfully in the possession of persons lawfully entitled to possession and use of a boat for the season for which a mooring is granted, and displaying the proper sticker, will be allowed to fasten to~~

the mooring. The permit may be issued for one or more vessels under common control, but only one vessel can be fastened to a mooring at any time. Subletting of moorings is prohibited.

C. ~~All applications for a permanent mooring space in any Nantucket harbor or waterway shall be submitted in writing on an approved form to the Marine Department. At the time of application if the applicant does not own a boat or is not a person lawfully entitled to possession and use of a boat for the season for which a mooring is granted, no mooring permit will be issued. If an individual holds a valid mooring permit and sells his/her rights to the boat with the intention of replacing it, he/she will have 12 months to replace the boat. If, at the end of 12 months, the boat has not been replaced, the mooring permit shall be forfeited.~~

D.	Length of Boat (feet)	Mushroom Mooring (pounds)	Concrete Block Mooring
	Under 14	50	
	15 to 18	75	
	19 to 22	100	Subject to individual
	23 to 28	150	approval by
	29 to 32	200	the Harbor Master
	33 to 50	500*	
	51 to 65	700	
	Over 65	Subject to individual approval by the Harbor Master	

~~\_\_\_\_\_ No boat shall use a mooring within the Town unless the mooring meets the following minimum standards~~

**\*NOTE: Three hundred to 400 pounds may be used where holding ground warrants, subject to Harbor Master approval.**

E. ~~Scope and size of chain on moorings. Length of mooring chain shall be at least the vertical height above the sea bottom to four feet above mean high water. Moorings for boats up to 26 feet in length shall have a chain of 3/8 inch or larger; moorings for boats from 26 feet to 40 feet shall have a chain of 1/2 inch or larger; and mooring for boats from 40 feet or larger in overall length shall use a chain of 5/8 inch. Maximum length of chain shall be no more than 2.5 times the maximum depth of the water, except where the Harbor Master determines otherwise. The location of all moorings shall be determined from time to time by the Harbor Master. No mooring shall be located in the main stream or any channel of any of the harbors of the Town, unless, in the opinion of the Harbor Master, the particular circumstances require it. Moorings shall be located so that vessels lying on them shall not block any channel or approach to wharves or other moorings in the vicinity or create any other hazard to navigation. If used, pennant length shall be twice the distance from the bow chock to the water line. Pennant line size shall be 3/8 inch for boats up to 10 feet, 7/16 inch for boats 21 feet to 30 feet, 1/2 nylon for boats 31 feet to 40 feet.~~

- F. ~~Any mooring may be inspected and its owner may be ordered by the Harbor Master to remove or relocate it whenever, in the judgment of the Harbor Master, the safety of other vessels or the optimum use of the area requires such action. The expense of such removal or relocation shall be the responsibility of the owner. Except in emergency situations, an owner shall have at least 14 days to relocate or remove a mooring when so ordered by the Harbor Master. All private moorings shall be removed from any shellfish areas prior to October 15.~~
- G. ~~Each mooring buoy, both summer and winter, shall be painted white and have a minimum one-inch blue band visible above the water and shall be marked with numbers assigned by the Harbor Master Department. The numbers and/or letters shall be a minimum of three inches in height and be clearly visible at all times. Spar buoys shall be upright at all times and not less than 40° at any period of tide and not less than 18 inches exposed. Mooring buoys shall be of customary shape and materials, and the Harbor Master may order the removal of any buoys deemed to be inappropriate in form or appearance. A mooring permit sticker assigned by the Harbor Master shall be affixed to the port side of the bow or the port side of the mast on classic-design wooden sailboats. The number will correspond with the number on the mooring float.~~
- H. ~~Any existing mooring in place prior to April 5, 1983, shall be allowed to remain in place, provided that it meets the inspection criteria defined above. The owner of said mooring shall be allowed to upgrade to any new standards as defined by this chapter. Nothing in the Code of the Town of Nantucket shall affect the ability, power and duty of the Town and any other governmental entity to relocate moorings for the purpose of opening or maintaining a channel or main stream or for the Town and/or any other governmental entity to exercise rights, if any, to preserve and protect the public's right of navigation.~~

#### **~~§ 137-5. Mooring permits.~~**

- A. ~~Permits for the use of mooring spaces shall be for a period of one year, or any fraction thereof, terminating on December 31 of each year, unless revoked by the Harbor Master for good cause, and shall be renewable annually for one year. Payment for mooring permits shall be made in full before the permit will be issued.~~
- B. ~~In areas where no additional spaces are available, applicants therefore shall be placed on an official waiting list maintained at the office of the Harbor Master and actively managed by the Town. The official waiting list shall be a public document and shall be posted conspicuously. The official waiting list shall include the names of all applicants for moorings in chronological order of application, regardless of the applicant's preferences for particular mooring locations. The person at the top of the official waiting list shall have priority to obtain the next available location, but may waive the right to the next available location if it is not in a place convenient for him or her without losing his or her place at the top of the waiting list. In the event of a waiver, the next person on the list shall be offered the location, and if that person waives the right to the location, the next successive person shall be offered the location, et cetera, until someone in succession on the list takes the location and registers a mooring there. Notice to the person entitled~~

~~to the next available mooring shall be in writing or by any reasonable method. The official waiting list as of January 8, 2008 shall serve as the initial reference document such that applicants listed thereon shall retain seniority unless and until such time any applicant requests removal from said list or declines to respond as necessary to the Town regarding remaining on the official waiting list.~~

- ~~C. It shall be incumbent upon all applicants to ensure that the official waiting list contains any and all information necessary to enable the Harbor Master to immediately contact them should he deem appropriate.~~
- ~~D. A fee set by the Board of Selectmen or its designee shall be payable at the time of application and annually by those applicants wishing to remain on the official waiting list.~~
- ~~E. All boats 10 feet or under, without power, shall be exempt from this section.~~
- ~~F. All dinghies not in use between October 15 and April 1 on property controlled by the Town shall be removed to the owner's property.~~

#### **§ 137-64. Hazards to navigation.**

#### **§ 137-75. Abandonment of vessels, moorings, etc.**

- A. Except in a maritime emergency currently affecting those aboard or others in the immediate vicinity, no vessel, mooring or other object shall be deliberately abandoned, sunk or otherwise placed in waters within the Town of Nantucket where it may constitute a hazard. Any abandoned, sunk or improperly placed vessel, mooring or object so found and any vessel otherwise improperly secured, swamped, sunk, washed ashore or found in a restricted area may be ordered by the Harbor Master to be removed or relocated. The Harbor Master shall give notice to the owner, in writing, of his order as follows: (a) if the owner is known, then by mail or hand-delivery; (b) if the owner is unknown, then by publication in a newspaper of general circulation within the Town. If, after 10 days following the publication or written notice as provided in the preceding sentence, the owner has failed to remedy the conditions leading to the order, the Harbor Master may take appropriate steps for removal or relocation of same. At any time, the Harbor Master, notwithstanding the foregoing, may act immediately in the event of an emergency to take appropriate steps for immediate removal or relocation of any watercraft that presents an imminent threat to life or property; provided, however, that as soon as practicable after taking such action, notice of the action taken shall be provided in the manner set forth in this section. If, after 30 days, the owner of the removed vessel shall fail to reimburse the Town for removal or relocation costs, the vessel may then, at the discretion of the Harbor Master, be sold at public auction to cover the costs of removal or relocation. If said auction produces surplus proceeds after payment of the costs of removal, said surplus shall be held in a separate account and be paid over to the owner upon proof of ownership.
- ~~B. Nothing in the above shall be deemed to prevent emergency action by the Harbor Master with or without notice to the owner if, in his judgment, such action is necessary.~~



§ 137-86. Diving from wharves prohibited.

§ 137-97. Underwater divers.

§ 137-108. Town launching ramps.

§ 137-119. Pollution.

- A. The dumping or discharge of oil, treated or untreated sewage, dead fish, garbage, waste, rubbish or debris of any kind anywhere in Nantucket waterways so as to pollute the waters, shores or beaches of the Town is prohibited. The use of on-board laundry or mechanical dishwashing machinery with over-board discharge is also prohibited in Nantucket waterways as defined in § 137-1. In support of the August 17, 1992, federal designation of Nantucket waters as a federal no-discharge zone, the discharge from all vessels of any sewage, whether treated or not, into such waters is prohibited. By May 1, 1990, all commercial piers, private and public, shall be equipped with working sewage pump-out facilities. Facilities at each pier shall be of sufficient capacity at least adequate to fully service any and all vessels capable of docking the maximum number of maximum-sized vessels able to tie up at that pier. In addition, the facility at the Town Pier in Nantucket Harbor shall be adequate to fully service all vessels both moored in the harbor and tied up at that pier.

§ 137-1210. Waterskiing.

- B. Waterskiing, as hereinbefore permitted, is subject to the provisions of the General Laws of the Commonwealth of Massachusetts and to the further restriction that there shall be no waterskiing within 400 feet of bathers, divers, piers, wharves, floats, other boats or of any shore. "Waterskiing" shall include motor-propelled surfboards and water bikes and the towing or manipulation of a surfboard or other similar device behind a motorboat. Waterskiing in approved areas shall only be done during daylight hours.
- C. Said-propelled Motor-propelled surfboards may navigate along regular channels of navigation to reach and return from open waters where they are permitted to operate but shall not interfere with the operation of other vessels.

§ 137-1311. Floats.

§ 137-1412. Occupancy of vessels.

- A. No vessel, while said vessel is used as a residence, may remain overnight or be shall be used as a residence in Nantucket harbors unless equipped with sewage holding tanks of sufficient capacity to support the occupants of the vessel.
- B. The determination of sufficient capacity of the vessels sewage holding tanks shall be determined by the Harbor Master in consultation with the Nantucket Health Department.

- C. If a sewerage holding tank pump-out service boat is not available, the vessel must be capable of movement under its own motor power to a pump out location.
- D. If seasonal holding tank pump-out service is not available by boat or at a pier based location, no vessel shall be used as a residence in Nantucket waters unless all of the following conditions are met:
- (1) The vessel owner has sealed its sewerage holding tank system which has been verified by the Harbor Master;
  - (2) The vessel, when used as a residence, will be tied to a pier where toilet facilities are nearby;
  - (3) The Harbor Master has approved in writing the use of the vessel as a residence for a specified period of time and verified its location near working toilet facilities.

~~All mooring permit applicants must provide the Harbor Master with a local contact who, within six hours' notice from the Harbor Master, will be available to aid the Harbor Master in the event of an emergency concerning the applicant's boat.~~

#### **§ 137-4513. Fish cars.**

#### **§ 137-4614. Speed.**

Within the outermost end of Jacksons Point inward and through the area defined within a line drawn from Coatue Point to the West Jetty on a two-hundred-seventy degree magnetic heading, marked by an appropriate informational buoy and signs maintained by the Town, with the exception of designated areas for water skiing, vessels shall be operated at the speed of which they can maintain steerage way and create a minimum wake, and in no case shall they be operated at more than posted speed limits. This rule shall not apply to vessels engaged in emergency or law enforcement operations.

#### **§ 137-4715. Severability and compatibility with other regulations.**

- A. Nothing contained herein shall be held or construed to supersede, or conflict with or interfere with the or limit jurisdiction of the United States government or limit or conflict with the laws and regulations of the Commonwealth of Massachusetts, except that in case of concurrent laws or regulations in any case, it shall be intended that the stricter, more restrictive rule or regulation shall apply.
- B. The provisions contained within this Chapter are severable. If any part of this Chapter is declared invalid or unconstitutional by a Court of competent jurisdiction, that declaration shall not affect any other provisions of this Chapter.

#### **§ 137-4816. Violations and penalties.**

## **§ 137-19. Complaints.**

~~All complaints concerning the use of moorings and movements of such vessels on the waterways of the Town shall be submitted in writing to the Marine Department for its action. All complaints concerning waterway facilities, wharves, docks, ramps, dredging and related matters shall be submitted in writing to the Board of Selectmen. Neither the Harbor Master nor the Board of Selectmen shall be required to hold a hearing or take action on any matter not first submitted in writing.~~

## **§ 137-2017. Enforcement.**

~~Whoever violates any provision of this Chapter, or any regulation regarding the use of Town harbors or piers, shall be subject to a fine of \$100, each day constituting a separate offense. The Marine Superintendent, the Harbor Master, and Assistant Harbor Masters and other officers assigned to enforce this Chapter are hereby designated enforcing persons hereunder. The enforcing person may, as an alternative to initiating criminal proceedings, proceed to a noncriminal disposition of any violation of this chapter pursuant to the procedures set forth in MGL c. 40, § 21D.~~

## **§ 137-2118. Personal watercraft.**

~~No person shall engage in the business of renting to the public, for public operation, any personal watercraft, jet ski, surf jet, wet bike or any motorboat that uses an inboard motor powering a water jet pump or a propeller as its primary source of motive power and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside a vessel within Nantucket Waterways the waters of the commonwealth and within all coastal waters and inland bodies of water as lie within the limits of the Town of Nantucket without first having obtained a without a license to do so from the Town of Nantucket Board of Selectmen in compliance with this section and in compliance with all federal, state or local laws pertaining to their use.~~

~~A. As used in this section, the following terms shall include but are not limited to:~~

### ~~JET SKI~~

~~\_\_\_\_\_ A ski propelled by machinery and designed to travel over water.~~

### ~~PERSONAL WATERCRAFT~~

~~\_\_\_\_\_ A small vessel of less than 16 feet in length which uses an inboard motor powering a water jet pump or a propeller as its primary source of motive power and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside a vessel. This term includes jet skis, wet bikes and surf jets.~~

### ~~SURF JET~~

~~\_\_\_\_\_ A surfboard propelled by machinery and designed to travel over water.~~

## WET BIKE

~~— A vessel designed to travel over water, supported by skis propelled by machinery.~~

- ~~BA. Subject to such approvals of the commonwealth as may be appropriate, t~~The Board of Selectmen shall adopt rules, regulations and reasonable fees for the issuance of such licenses, renewals thereof and operation of licensees, including but not limited to:
- (1) Adequate insurance for the protection of the public;
  - (2) An appropriately equipped chase boat required at all times;
  - (3) Personal safety equipment for the safety of users of rented equipment;
  - (4) Location of premises so as to be consistent with other water and harbor uses and with the Towns Harbor Plan;
  - (5) Loading, unloading and storage of petroleum products intended for use in personal watercraft, jet skis, surf jets or wet bikes in accordance with recommendations as may be made by the Chief of the Fire Department of the Town;
  - (6) Designated area for use consistent with navigation and other public uses;
  - ~~(7) That if any of the rules and regulations are declared unlawful for any reason, the remaining rules and regulations shall continue in full force and effect.~~
- H. Exemptions. In addition to the exemptions in § 137-2219, personal watercraft may be operated within the waters described in Subsections D, E and F if the personal watercraft is needed for emergency purposes when there is reasonable belief that such use is necessary to protect persons, animals or property.
- ~~I. And to authorize and direct the Board of Selectmen to take any other action necessary relating to any rules and regulations promulgated thereunder or take any other action related to the foregoing, subject to such approvals of the Commonwealth as may be required.~~

### § 137-2219. Exemptions.

Rescue Government personnel are exempt from § 137-2118 while engaged in training exercises, emergency operations and ordinary law enforcement activities.

### § 137-2320. Waterkiteboarding.

- C. ~~Subject to such approvals of the Commonwealth as may be appropriate, t~~The Board of Selectmen shall adopt rules and regulations and reasonable fees for the issuance of such licenses, renewals thereof and operation of licensees and for the regulation of recreational kiteboarding generally to assure the safety and convenience of the public, including but not limited to:

- (1) Adequate insurance for the protection of the public;
- (2) An appropriately equipped chase boat required at all times;
- (3) Personal safety equipment for the safety of users of rented equipment;
- (4) Avoidance of interference with other water and harbor uses;
- (5) Loading and unloading of kiteboarding equipment.

~~D. This section may be enforced by any police officer, the Harbor Master, or any of their designees, using noncriminal tickets pursuant to §§ 1-2 through 1-6 of the Code of Nantucket.~~

*(Board of Selectmen)*

#### ARTICLE 80

##### **(Bylaw Amendment: Ban on Sale and Use of Balloons)**

To see if the town will amend **Chapter 125-2: Solid Waste Disposal** of the town code to include the following wording under section B as a subset of the regulations:

i. A ban on the sale and/or use of any type of balloon (including, and not limited to, plastic, latex or Mylar balloons) to be inflated with any type of lighter than air gas ( including, and not limited to, helium gas). People importing such novelties from off-island, but disposing of them on-island in any manner other than being contained in a plastic trash bag and transported to the Landfill, shall be fined pursuant to the provisions of Chapter 1, Article II by Noncriminal Disposition at \$50 per offense.

*(Scott J. Leonard, et al)*

#### ARTICLE 81

##### **(Acceptance of Massachusetts General Law Pertaining to Capital Projects Stabilization Fund)**

To see if the Town will vote, pursuant to General Laws Chapter 40, section 5B, to establish a special purpose stabilization fund to be known as the Capital Projects Stabilization Fund; and, further to raise and appropriate or transfer from available funds a sum of money to be deposited in said fund.

Or to take any other action as related thereto.

*(Board of Selectmen)*

**ARTICLE 82**  
**(Repeal of Home Rule Petition Relative to Retirement**  
**Benefits for Nantucket Town and County Employees)**

To see if the Town will repeal or rescind the vote taken on Article 90 from the Annual Town Meeting of 2014; Article 90: Home Rule Petition: Relative to Retirement Benefits for Nantucket Town and County Employees.

Or to take any other action related thereto.

*(Artell B. Crowley, et al)*

**ARTICLE 83**  
**(Maintain Existing Retirement Plans)**

To see if the Town will vote to: Continue to maintain the present and existing Retirement Plans and Systems for all Municipal Employees in the same manner as it has in the past.

*(Robert G. Bates Jr., et al)*

**ARTICLE 84**  
**(Home Rule Petition: Airport Fuel Revolving Fund)**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Relative to the Nantucket Memorial Airport Fuel Revolving Account

SECTION 1. Chapter 28 of the acts of 2004 is hereby amended by inserting at the end of section 1 the following:- This fund shall not be included in the calculation of the aggregate limit of all revolving funds authorized under section 53E½ of said chapter 44.

SECTION 2. This act shall take effect upon its passage.

*(Board of Selectmen for Airport Commission)*

*NOTE: The above home rule petition was approved as Article 20 of the 2012 Annual Town Meeting; Article 52 at the 2013 Annual Town Meeting and Article 82 of the 2014 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2014, will expire unless renewed by a confirmatory town meeting vote.*

**ARTICLE 85**  
**(Home Rule Petition: Community Preservation Committee)**

To see if the Town will vote to present the Home Rule petition set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce legislation set forth below, and that the General Court be authorized, with the approval of the

Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth below:

An Act relative to the Community Preservation Committee in the Town of Nantucket

Section 1. Notwithstanding the provisions of section 5(a) of chapter 44B of the general laws, or of any other general or special law to the contrary, where the historical commission of the town of Nantucket created under section 8D of chapter 40 did not exist at the time the Community Preservation Act was adopted by said town, the community preservation committee in the town of Nantucket shall include one member of the historic district commission established under section 4 of chapter 40C of the general laws, as selected by the commission, in place of one member of the historical commission. Provided, however, that the preceding sentence shall not be interpreted to preclude the town of Nantucket from including a member of said historical commission on the community preservation committee either by appointment or election consistent with the then applicable community preservation committee bylaw.

Section 2. This act shall take effect upon passage.

Or to take any other action related thereto.

*(Board of Selectmen)*

*NOTE: The above home rule petition was approved as Article 67 of the 2012 Annual Town Meeting; Article 59 of the 2013 Annual Town Meeting and Article 84 of the 2014 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2014, will expire unless renewed by a confirmatory town meeting vote.*

## **ARTICLE 86**

### **(Home Rule Petition: Increasing Residential Property Exemption)**

To see if the Town will vote to petition the General Court to enact a special act of the Town of Nantucket the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen, to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage, as follows:

An Act Increasing The Exemption For Residential Property To 30 Percent In The Town Of Nantucket

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding section 5C of chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as Class One, residential, in the town of Nantucket as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation, and at the option of the board of selectmen, there shall be an exemption equal to not more than 30 per cent of the average assessed value of all Class One residential parcels within the town; provided, however, that the exemption shall be applied only to the principal residence of the taxpayer as used by the

taxpayer for income tax purposes. This exemption shall be in addition to any exemptions allowable under section 5 of said chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10 per cent of its full and fair cash valuation, except through the applicability of section 8A of chapter 58 of the General Laws and clause Eighteenth of said section 5 of said chapter 59. Where, pursuant to said section 5 of said chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the city and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the board of assessors of the town in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the board of assessors of the town of Nantucket in writing on a form approved by the board within 3 months after the date on which the bill or notice of assessment was sent. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to section 59 of chapter 59 of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2015 and shall apply to taxes levied for fiscal years beginning on or after July 1, 2015.

Or take any other action relative thereto.

*(Board of Selectmen)*

## **ARTICLE 87**

### **(Home Rule Petition: Conveyance of Properties from County to Town)**

To see if the Town will vote to petition the General Court to enact a special act of the Town of Nantucket the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen, to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage, as follows:

#### **An Act Approving the Conveyance of Property by the County of Nantucket**

Section 1. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for general municipal purposes and access purposes:

- Assessors Map 60 Parcel 3, Massachusetts Ave.
- Assessors Map 36.2.3 Parcel 51, New York Ave.
- Assessors Map 36.2.3 Parcel 54, New York Ave.
- Assessors Map 36.2.3 Parcel 74, Wisconsin Ave.
- Assessors Map 55.1.4 Parcel 9.1, 100 Washington St.
- Assessors Map 55.1.4 Parcel 9.2, 98 Washington St.
- Assessors Map 60.2.4 Parcel 5, 6 Massachusetts Ave.



- Assessors Map 60.3.1 Parcel 84, 25 Massachusetts Ave.
- Assessors Map 60 Parcel 160, 0 Esther Island
- Assessors Map 61 Parcel 1, 0 Esther Island
- Assessors Map 61 Parcel 2, 0 Esther Island
- A portion of Parcel P-2, shown on Plan 49-O filed at the Nantucket County Registry of Deeds, adjacent to 121 Washington Street.

Section 2. The provision of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General Laws shall not be applicable to any conveyance authorized hereunder.

Section 3. This Act shall take effect upon passage.

Or to take any other action relative thereto.

*(Board of Selectmen)*

## **ARTICLE 88**

### **(Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land Bank and Madaket Conservation Land Trust (MCLT))**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of certain parcels of land in the Town of Nantucket held for open space, recreational or conservation purposes, as described in more detail below and as shown on a map entitled "2015 Annual Town Meeting Warrant Article 88" dated January, 2015 and filed with the Office of the Town Clerk, to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to convey the respective parcels described below to the Nantucket Islands Land Bank or the MCLT; provided , however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage;

*AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, RECREATIONAL OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK AND MADAKET CONSERVATION LAND TRUST FOR THE SAME PURPOSES*

*Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for open space, recreational or conservation purposes and described as follows:

- Assessors Map 39, Parcel 8, Eel Point Road;
- Assessors Map 32, Parcel 23, 43 Eel Point Road;
- Assessors Map 33, Parcel 10, Eel Point Road;
- Assessors Map 67, Parcel 345, 1 Miacomet Road;
- Assessors Map 67, Parcel 681, 3 Miacomet Road;
- Assessors Map 67, Parcel 346, 9 Miacomet Road;
- Assessors Map 59, Parcel 28, 2 Long Pond Drive;
- Assessors Map 41, Parcel 29, 48 Cliff Road;
- Proprietors Road, Parcels 1, 2 and 3, on Plan 2014-64, Off Hummock Pond

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled “2015 Annual Town Meeting Warrant Article 88” dated January, 2015 and filed with the Office of the Town Clerk.

Section 2. Pursuant to Article 97 of the Amendments to the Massachusetts Constitution and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of a certain parcel of land situated in the Town of Nantucket to the Madaket Land Conservation Trust for open space, recreational and conservation purposes and described as follows:

- Assessors Map 60, Parcel 19, 3 Baltimore Street

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 89**

### **(Real Estate Disposition/Home Rule Petition: Transfer of 47 Prospect Street and 1 Milestone Road)**

To see if the Town will vote to: transfer the care, custody and control of a portion of the parcel of land located at 47 Prospect Street, said parcel being a portion of the premises described in deed filed with the Nantucket Registry District of the Land Court in Book 124, Page 403 and noted on Certificate of Title No. 4826, from the Board of Selectmen for park purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance or lease, and authorize the Board of Selectmen to convey or lease (for a term of up to ninety-nine (99) years) said portion on such terms and conditions, and for such consideration, as the Board deems appropriate, subject to a restriction that said property be used for healthcare purposes, and to authorize the Board of Selectmen to accept said restriction and amend the same on such terms and conditions as the Board deems appropriate; and authorize the Board of Selectmen to submit a *cy pres* petition, if applicable, and a petition to the General Court for a special act authorizing the transfers of land set forth herein and the conveyance/lease of the portion of 47 Prospect Street under Article 97 of the Amendments to the Massachusetts Constitution; and, further, to satisfy the Executive Office of Energy and Environmental Affairs’ “no net loss policy”, transfer the care, custody and control of the land

located at 1 Milestone Road and identified on Assessors Map 54 as Parcel 45 from the Wannacomet Water Commission or other board or commission having custody thereof for the purpose for which the land is currently held, or such other parcel or parcels of land designated by the Board of Selectmen in its discretion, to the Town of Nantucket and dedicate and designate said property to park purposes in perpetuity, with the foregoing transfers of the portion of the land located at 47 Prospect Street, the property located at 1 Milestone Road and/or the parcels designated by the Board of Selectmen to become effective upon the enactment of the Article 97 legislation.

The portion of 47 Prospect Street to be transferred and sold/leased is shown on a map entitled "2015 Annual Town Meeting Warrant Article 89 R-40 to CN, and filed herewith at the Office of the Town Clerk.

Or take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 90 (Zoning Map Change: R-40 to CN)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

Placing the following portion of 47 Prospect Street (Map 55, Parcel 321) located in the Residential 40 (R-40) district in the Commercial Neighborhood (CN) district:

The 1.5 acre parcel shown as "PORTION OF MILL HILL PARK TO BE INCLUDED IN COMMERCIAL NEIGHBORHOOD (CN) DISTRICT. 1.5 AC." on a plan of land entitled "Zoning Exhibit," scale 150 feet to an inch, January 16, 2015, RJO'Connel & Associates, Inc.

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 90 R-40 to CN" dated January, 2015, and filed herewith at the Office of the Town Clerk.

Or take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 91 (Home Rule Petition: Conveyance of Property/Portion of 47 Prospect Street)**

To see if the town will vote to request and fulfill a transfer for a portion of the land described as a portion of Assessors Map 55, Parcel 321, 47 Prospect Street, shown as Lot C on a "plan of Land in Nantucket" dated October 12, 1927 by William F Swift at plan number 12559A and Certificate #4826 dated June 22, 1936 and known as Parcel 3 on the deed transfer from the Nantucket Civic League to the "Inhabitants of the Town of Nantucket" listed at Book 124 Page 405 and Document Number 8977 filed on August 2, 1963 at the Nantucket registry district of the land court. The quantity of space to be transferred will be created as a parcel of land split from west to east at the southern boundary of Map 55.4.1 Parcel 322 and Map 55 Parcel 812 on the opposite side of the road known as "Prospect Street" with a 30 foot

indent from the Right of Way property line to create a vegetation buffer, and further to meet at a newly created property line that intersects with this proposed property line north from between the corners of the property lines where Map 55 Parcel 2 meets with Map 55 parcel 320 and where the corners of Map 55 Parcel 3 and a road way that runs North from Vesper lane to meet a road way that exits to the west at Prospect Street, and further, from where these two points meet across the public way only referenced as a "Way" on an enclosed map which exits westerly to Prospect street and further, the intent of this location is to create over a 200 foot buffer of vegetation from the road known as N Mill St, and further, the south eastern corner boundary line of this proposed lot would be 30 feet west from the right of way at the south eastern corner of the lot currently known as Map 55 Parcel 321 which would create approximately a 100,000 square foot parcel, all as shown on an enclosed map called "Proposed delineated property of Mill Hill for Medical Care only". This created parcel will be professionally surveyed to determine the proper locations of said articles intent for property boundaries, and further, if the proposed parcel is larger than 100,000 square feet, the intent of this article is for the northern portion of the proposed property line be moved southerly to lower the size of the proposed parcel to meet the intent of a 100,000 square foot parcel. If the size of the proposed parcel is smaller than that is intended by the map and written proposed boundary line locations, then the property lines will remain as the intent of this article is written, and further, request the town to strongly suggest a ground elevation of any building or structure not to exceed 44 feet above sea level, and further this portion of property is also a part of parcel known as "Mill Hill Park", from the Nantucket Civic League, Board of Selectman, Park and Recreation or any other board of committee with custody of the property, with in the county of and town of Nantucket to the Board of Selectman for leasing for medical purposes related to uses such as hospital, clinical, or dental purposes including bed patient care purposes provided further that use of such land for housing or non-medical purposes shall be prohibited with the exception of a cafeteria, and the property will accommodate less than 15% non-medical administrative operations and further to authorize the Board of Selectman to lease said land in accordance with chapter 30B for period up to ninety-nine (99) years with an option to renew for an additional fifty years to the Nantucket Cottage Hospital, Inc. or any of its affiliates. With the intent that the first Fifteen (15) years from commencement of said lease shall be rent free or set at some other amount needed solely to cover the Towns expense due to infrastructure expansion including carrying cost of said improvements, and further, after the first Fifteen (15) years, rental payment of \$100,000 a year or such other appropriate amount determined by future vote at a designated Town Meeting, with an increase to said rent every five years based on the Boston CPI of the highest percentage over the previous five years, and further if any portion of the land is rented to a medical provider other than the said hospital or no longer uses the property for such purposes or uses of the property for purposes inconsistent with the lease, that such lease shall be terminated and the property shall revert to the town of Nantucket in its fee, and such to authorize the BOS to include such actions, other provisions in said lease as may be needed to allow for the Board of Selectman to carry out purposes of this article, further to authorize the board of Selectman to petition the general court for such approval as may be necessary to carry out act, including approval under Article XCVII of the Amendments to the Constitution of this Commonwealth of Massachusetts, and further to transfer the land described as Map 54 parcel 45 along the western portion of the lot that will travel north to south along the eastern side of the Bike path from Wannacommet Water Commission or other board or committee for park purposes which land is approximately equal

size and construction value as the parcel to be leased to the said hospital, or such other parcel as shall be deemed appropriate. Or to take any other action related thereto

Section 2. This act shall take effect upon its passage.

*(Thomas Barada, et al)*

## **ARTICLE 92**

### **(Home Rule Petition: Repeal of Amendment of Historic District Commission Act Relative to Membership)**

To see if the Town will vote to request its representatives in the General Court to file with the General Court a home rule petition for the enactment of legislation as set forth below for the purpose of repealing Chapter 338 of the Acts of 2014 (the text of which Act to be repealed is set forth below) so as to reinstate the language previously in existence prior to the adoption of said chapter 338 for an all elected Historic District Commission; to authorize the General Court, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation to secure passage; or to take any other action related thereto; An Act repealing Chapter 338 of the Acts of 2014 Section 1. Chapter 338 of the Acts of 2014 is hereby repealed. Section 2, this Act shall take effect upon passage:

### **Chapter 338 AN ACT RELATIVE TO THE MEMBERSHIP OF THE HISTORIC DISTRICT COMMISSION FOR THE TOWN OF NANTUCKET**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

*SECTION 1. The first paragraph of section 3 of chapter 395 of the acts of 1970, as amended by chapter 291 of the acts of 1985, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Two members shall be appointed for rotating 3-year terms by the board of selectmen in accordance with section 3.4(a)(3) of the charter of the town of Nantucket and 3 members shall be elected for rotating 3-year terms at the annual town election.*

*SECTION 2. The second paragraph of said section 3 of said chapter 395 is hereby amended by striking out the second, third and fourth sentences, as appearing in chapter 314 of the acts of 1990, and inserting in place thereof the following 2 sentences:- Three such associate members shall be appointed by the board of selectmen in accordance with section 3.4(a)(3) of the charter of the town of Nantucket for rotating 3-year terms. Vacancies in said office shall be filled by the board of selectmen for the remainder of the unexpired term.*

*SECTION 3. At the 2016 annual town election in the town of Nantucket, the offices of the Historic District Commission shall not appear on the ballot. Instead, the term each incumbent elected member whose term would otherwise expire at said election shall terminate upon the appointment of a successor by the board of selectmen in accordance with this act. The Historic District Commission shall be reconstituted as an elected and appointed board as provided in this act.*

*Notwithstanding any provision of this act to the contrary, the members whose terms would otherwise expire at the 2016 annual town election shall be eligible for appointment by the board of selectmen. Any other elected or appointed member or associate member of the Historic District Commission holding office on the effective date of this act shall continue to*

*serve in such position until the expiration of such elected or appointed term, or their sooner retirement, resignation or recall in accordance with section 5.4 of the charter of the town of Nantucket. Any vacancy arising in the membership or associate membership of the commission after the effective date of this act shall be filled in accordance with section 3 of chapter 395 of the acts of 1970. No contracts or liabilities in force on the effective date of this act shall be affected by the change in composition of the membership of the Historic District Commission and such reconstituted commission shall, in all respects, be the lawful successor of the elected commission. All records, property and equipment of the elected commission shall be assigned to the reconstituted commission.*

*SECTION 4. This act shall take effect upon its passage.*

*(Linda F. Williams, et al)*

## **ARTICLE 93**

### **(Home Rule Petition: Amendment of Historic District Commission Act)**

To see if the Town of Nantucket will vote to request its representatives in the General Court to file with the General Court a home rule petition for the enactment of legislation as set forth below amending the Historic District Commission Act of 1970, as amended, (Nantucket Historic District Commissions Enabling Act, (ACTS, 1970. CHAP. 395, AS AMENDED BY ACTS: 1972, CHAP. 708; 1984, CHAP. 300; 1985, CHAP. 291; 1987, CHAP. 735; 1989, CHAP. 333; 1990, CHAP. 314; 1998, CHAP. 193; 2000, CHAP. 57; 2002, CHAP. 90; 2010, CHAP. 8) to provide that the five (5) Historic District Commissioners be elected as so stated in the Act of 1970, with the three associate members to be appointed by the Nantucket Board of Selectmen; further to authorize the General Court, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation to secure passage; or to take any other action related thereto, as follows:

### **SECTION 3 SHALL READ AS FOLLOWS:**

SECTION 3. There is hereby established in the Town of Nantucket an Historic District Commission consisting of five (5) ~~unpaid members who shall be resident taxpayers of the Town of Nantucket, to be~~ originally appointed by the Board of Selectmen. The Historic District Commission shall have the powers and authority and perform all the duties as hereinafter enumerated and provided. The original appointment of the members of the Historic District Commission shall be one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years, from March the first following the year of such appointment or until their successor is elected, and thereafter upon the expiration of any term, the members of the Commission shall be elected at the Annual Town Meeting (which, for the purposes of this Act, shall include the annual election for local offices) for a term of three (3) years. Vacancies occurring in the Commission, other than by expiration of term of office, shall be filled by appointment by the Board of Selectmen, but such appointment shall be only for the unexpired portion of the term of the member replaced. The Chairman of the Historic District Commission may designate an associate member to sit on the Commission in case of absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided herein, that member's place shall be taken by an associate member designated by the Chairman. ~~conflict of interest on the part of any member thereof~~ Three (3)

such associate members shall be ~~elected at the Annual Town Meeting~~ appointed by the Board of Selectmen (which, for the purposes of this Act, shall include the annual election for local offices) for terms of such length and so arranged that the terms of an associate member shall expire each year. An associate vacancy occurring other than by expiration of the term shall be filled for the unexpired term by ~~election at the Annual Town Meeting~~ appointment of the Board of Selectmen. Beginning at the expiration of the associate member's term in 2016, the Board of Selectmen shall appoint an associate member to the position for a three-year term, and as each associate member's term expires subsequent to that, the Board of Selectmen shall make such appointments for three-year terms. ~~During the period between April 1989 and the next town meeting three (3) associate members shall be designated by election at the Annual Town Meeting.~~ The members of the Commission shall be exempt from subsections (a) and (c) of section 17 of chapter 268A of the General Laws. [Amended by St. 1998, Ch. 193; St. 2002, Ch. 90]

*(Linda F. Williams, et al)*

## ARTICLE 94

### (Home Rule Petition: Amendment of Historic District Commission Act)

To see if the Town of Nantucket will vote to request its representatives in the General Court to file with the General Court a home rule petition for the enactment of legislation as set forth below amending the Historic District Commission Act of 1970, as amended, (Nantucket Historic District Commissions Enabling Act, (ACTS, 1970, CHAP. 395, AS AMENDED BY ACTS: 1972, CHAP. 708; 1984, CHAP. 300; 1985, CHAP. 291; 1987, CHAP. 735; 1989, CHAP. 333; 1990, CHAP. 314; 1998, CHAP. 193; 2000, CHAP. 57; 2002, CHAP. 90; 2010, CHAP. 8); further to authorize the General Court, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation to secure passage; or to take any other action related thereto. The text is as follows in its entirety:

#### Historic District Commission.

**ACTS, 1970, CHAP. 395 AS AMENDED BY ACTS: 1972, CHAP. 708; 1984, CHAP. 300; 1985, CHAP. 291; 1987, CHAP. 735; 1989, CHAP. 333; 1990, CHAP. 314; 1998, CHAP. 193; 2000, CHAP. 57; 2002, CHAP. 90; 2010, CHAP. 8; 2014, CHAP. 338. AN ACT ESTABLISHING AN HISTORIC DISTRICT COMMISSION FOR THE TOWN OF NANTUCKET AND ESTABLISHING NANTUCKET ISLAND AS THE HISTORIC DISTRICT**

Be it enacted, etc., as follows:

SECTION 1. Chapter 601 of the Acts of 1955 is hereby repealed and the Historic Districts Commission is hereby abolished.

SECTION 2. ~~The purpose of this Act is to promote the general welfare of the inhabitants of the Town of Nantucket through the preservation and protection of historic buildings, places and districts of historic interest through the development of an appropriate setting for these buildings, places and districts and through the benefits resulting to the economy of Nantucket~~

in developing and maintaining its vacation-travel industry through the promotion of these historic associations.

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the inhabitants of the Town of Nantucket through the preservation and protection of the historic buildings, places and districts of historic interest with distinctive characteristics significant in the history of Nantucket architecture, and through the development, maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith that would benefit the economy of Nantucket and maintain its vacation-travel industry through the promotion of these historic associations.

SECTION 2A. For purposes of this Act, the following words shall have the following meanings: "Altered" shall include the words rebuilt, reconstructed, rehabilitated, remodeled, renovated, and restored, demolished and moved. "Building," a combination of materials forming a shelter for persons, animals or property. "Commission," the Nantucket Historic District Commission, acting as the Historic District Commission. "Constructed" shall include the words built, erected, installed and enlarged, and re-sited. "Exterior architectural features," such portions of the exterior of a building or structure, including the size and shape of proposed buildings and structures described in subsection (b) of section 9, as are open to view from a beach, a public way, a traveled way, a street or way shown on a land court plan or shown on a plan recorded in the Registry of Deeds, a proprietor's road, a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law, a public park or a public body of water, and shall include but not be limited to, the architectural style and general arrangement and setting thereof; the kind, color and texture of exterior building materials; the color of paint or other materials applied to windows, doors, lights, signs, trim, gutters, leaders, louvers, vents, exterior surfaces and type and style of roofs, porches, decks, staircases, steps, balconies, roof walks and other appurtenant exterior fixtures. [Amended by St. 2000, Ch. 57]"Razed," includes the words destroyed, demolished and removed. "Structure," a combination of materials other than a building, including, but not limited to a vending machine, sign, fence, wall, terrace, walk or driveway. [Amended by St. 1998, Ch. 193]

As used in this Chapter the word "altered" includes the words "rebuilt", "reconstructed", "rehabilitated", "remodeled", "restored", "removed", "renovated" and "demolished" and the phrase "changed in exterior color, including roofing material and color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the Historic District Commission; the word "constructed" includes the words "built", "erected", "installed", "enlarged", and "moved"; the words "exterior architectural feature" means such portion of the exterior of a building or structure as is open to view from a public street, public way, public park, beach, a traveled way, a street or way shown on a land court plan or shown on a plan recorded in the Registry of Deeds, a proprietor's road, a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law, or public body of water, including but not limited to the architectural style and general arrangement and setting thereof; the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs, trim, gutters, leaders, louvers, vents, exterior surfaces and type and style of roofs, porches, decks, staircases, steps, balconies, roof walks and other appurtenant exterior fixtures; the word ; "razed", includes the words "destroyed", "demolished" and "removed from site"; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation



in which one of its purposes is the preservation of historic structures or districts; and the word "structure" means a combination of materials other than a building, including but not limited to a vending machine, sign, fence, wall, terrace, walk or driveway.

SECTION 3. There is hereby established in the Town of Nantucket an Historic District Commission consisting of five (5) unpaid members who shall ~~be resident taxpayers of the Town of Nantucket, to be~~ originally appointed by the Board of Selectmen. The Historic District Commission shall have the powers and authority and perform all the duties as hereinafter enumerated and provided. The original appointment of the members of the Historic District Commission shall be one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years, from March the first following the year of such appointment or until their successor is elected, and thereafter upon the expiration of any term, the members of the Commission shall be elected at the Annual Town Meeting (which, for the purposes of this Act, shall include the annual election for local offices) for a term of three (3) years. Vacancies occurring in the Commission, other than by expiration of term of office, shall be filled by appointment by the Board of Selectmen, but such appointment shall be only for the unexpired portion of the term of the member replaced. The Chairman of the Historic District Commission may designate an associate member to sit on the Commission in case of absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided herein, that member's place shall be taken by an associate member designated by the Chairman. ~~conflict of interest on the part of any member thereof~~ Three (3) such associate members shall be ~~elected at the Annual Town Meeting~~ appointed by the Board of Selectmen (which, for the purposes of this Act, shall include the annual election for local offices) for terms of such length and so arranged that the terms of an associate member shall expire each year. An associate vacancy occurring other than by expiration of the term shall be filled for the unexpired term by ~~election at the Annual Town Meeting~~ appointment of the Board of Selectmen. Beginning at the expiration of the associate member's term in 2016, the Board of Selectmen shall appoint an associate member to the position for a three-year term, and as each associate member's term expires subsequent to that, the Board of Selectmen shall make such appointments for three-year terms. ~~During the period between April 1989 and the next town meeting three (3) associate members shall be designated by election at the Annual Town Meeting.~~ The members of the Commission shall be exempt from subsections (a) and (c) of section 17 of chapter 268A of the General Laws. [Amended by St. 1998, Ch. 193; St. 2002, Ch. 90]

SECTION 3A. Should only three (3) members of the Commission be available to review a matter rather than a full Commission of five (5), a majority shall constitute two (2) members to make a decision on a matter.

SECTION 4. There is hereby established in the Town of Nantucket ~~an Historic Nantucket District~~ Nantucket Historic District, which shall include the land and waters comprising the Town of Nantucket, including the islands of Tuckernuck and Muskeget.

SECTION 4A. An historic district may be enlarged or reduced or an additional historic district may be created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the Historic District Commission having jurisdiction over such historic district or by a study committee appointed by the Historic District Commission; (b) in the case

of creation of an additional historic district the investigation, report and hearing shall be by the Historic District Commission, or by a study committee appointed by the Historic District Commission; and (c) if the district is to be reduced written notice as above provided of the Historic District Commission's hearing on the proposal shall be given to said owners of each property in the district.

## SECTION 5.

(a) No building or structure shall be constructed or altered within the Nantucket Historic District in any way that affects its exterior architectural features unless and until either:

(1) An application for a building permit shall first have been approved as to exterior architectural features, which approval shall be evidenced by a Certificate of Appropriateness issued by the Commission; or

(2) The Commission first issues a Certificate of Nonapplicability with respect to such alteration or construction, or Certificate of Hardship; or

(3) The Commission may designate a person or persons to have the approval authority over "like-kind" replacements and any other such approval authority and powers as the Commission deems appropriate and so voted by a majority of the Commissioners.

(4) Any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, a Certificate of Nonapplicability, including "like-kind" replacement, or a Certificate of Hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

(b) No building permit for construction or alteration of a building or structure within the ~~Historic Nantucket District~~ Nantucket Historic District shall be issued by the Building Inspector/Commissioner until and unless the applicant has first obtained the applicable certificate from the Commission. No occupancy permit shall be issued by the Building Inspector/Commissioner with respect to any building or structure in the Nantucket Historic District unless and until the Building Inspector/Commissioner receives a written certification from the Historic District Commission that:

(1) The building or structure has been constructed or altered in compliance with the terms of the Certificate of Appropriateness issued therefor; or

(2) Compliance with a previously issued Certificate of Nonapplicability, including one for "like-kind" replacement, for the construction or alteration has been validated. Such Certificate of Nonapplicability or "like-kind" replacement should be issued and verified prior to the issuance of a building permit and verified that the work was completed within the scope of said Certificate prior to the issuance of the occupancy permit.

(c) Nothing in this Act shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the Nantucket Historic District which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor to prevent landscaping with plants, trees and shrubs.

SECTION 6. No building, ~~or structure, or portion thereof~~, within the ~~Historic Nantucket District~~ Nantucket Historic District shall be razed without first obtaining a permit approved by the Historic District Commission, and said Commission shall be empowered to refuse such a permit for any building, ~~or structure, or portion thereof~~ of such architectural or historic interest, the removal of which in the opinion of said Commission would be detrimental to the public interest of the Town of Nantucket or the Village of Siasconset, ~~or other areas so designated as~~ of historic significance. The Commission shall include, in the case of demolition or removal, a statement of the existing condition and supporting findings for a grant of such approval, and shall note the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

SECTION 7. The erection or display of an occupational or other sign exceeding two (2) feet in length and six (6) inches in width or the erection or display of more than one (1) such sign, irrespective of size, on any lot, building or structure located within the ~~Historic Nantucket District~~ Nantucket Historic District must be approved in advance by the Historic District Commission. Evidence of such approval shall be ~~by a~~ Certificate of Appropriateness issued by said Commission.

SECTION 8. The Historic District Commission shall elect its Chairman and Vice- Chairman. The Commission shall meet within ~~ten (10)~~ twenty-one (21) days of the receipt of an application for a Certificate of Appropriateness ~~or Certificate of Nonapplicability or permit for removal~~, unless a waiver of this requirement is signed by the applicant or the applicant's representative, and at such other times as the Commission may determine or upon call of the Chairman or of any two (2) members. It shall keep a permanent record of its resolutions, transactions and determinations and may make such rules and regulations consistent with this Act as may appear desirable and necessary. It may hold public ~~or private~~ hearings and public meetings as it may deem advisable. It may incur expenses necessary to the carrying on of its work within the amount of its annual appropriation. The Commission shall make and publish rules and regulations adopting or establishing guidelines for exterior architectural features and establishing procedures for the processing of applications and conduct of hearings. The Commission may establish such fees with respect to applications and hearings as it deems necessary and appropriate to defray its expenses. **[Amended by St. 2010, Ch. 8]**

#### SECTION 9.

(a) It shall be the function and the duty of the Historic District Commission to pass upon the appropriateness of exterior architectural features of buildings and structures hereafter constructed or ~~to be erected, reconstructed~~, altered ~~or restored~~ within the ~~Historic Nantucket District~~ Nantucket Historic District wherever such exterior features are subject to view from a public street, public way, public park, beach, a traveled way, a street or way shown on a land court plan or shown on a plan recorded in the Registry of Deeds, a proprietor's road, a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law, ~~or public body of water, a beach, public way, public park, public body of water, traveled way, a street or way shown on a Land Court plan, or shown on a plan recorded in the Registry of Deeds, a proprietors road or a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law.~~ All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the exterior

features to be passed upon shall be made available to the Commission by the applicant. It shall also be the duty of the Commission to ~~pass approve~~ the removal of any building within said districts as set forth in Section 6 and the erection or display of occupational or other signs as set forth under Section 7.

(b) The Historic District Commission, in ~~passing upon~~ ~~approving~~ appropriateness of exterior architectural features in any case, shall ~~consider~~ the purposes set forth in Section 2 and shall consider, among other things, ~~the historic and architectural value and significance of the site, building or structure,~~ the general design, arrangement, texture, material and color of features ~~involved of~~ the building or structure in question, the location on the lot and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures. In the case of new construction or additions to existing buildings or structures, the Historic District Commission shall consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and ~~to~~ buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable ~~ordinance or~~ by-law. **[Amended by St. 2000, Ch. 57]**

(c) The Historic District Commission shall not consider interior arrangement or building features not subject to public view, The Commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historic aspects of the surroundings and the ~~Historic Nantucket District~~ Nantucket Historic District. **[Amended by St. 2000, Ch. 57]**

(d) When ruling on applications for certificates of appropriateness for solar energy systems, the Commission shall also consider the policy of the Commonwealth to encourage the use of solar energy systems and to protect solar access. The Commission shall not consider interior arrangements or architectural features not subject to public view.

(e) The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district. (f) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, shall be allowed provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

(g) The Commission may determine, from time to time after public hearing, that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those previously enumerated, if the provisions of the ordinance or by-law do not limit the authority of the Commission with respect thereto, may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this chapter.

(h) In the case of a determination by the Commission, or a person or persons so designated by a vote of the Commission, that an application for a Certificate of Appropriateness or for a Certificate of Nonapplicability or "like-kind" replacement does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the previous provisions, the Commission shall cause a Certificate of Nonapplicability to be issued to the applicant.

(i) If the construction or alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate or in violation of said Certificate, or in the event of an application for a certificate of hardship, the Commission shall determine

whether, owing to conditions especially affecting the building or structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. If the Commission determines that owing to such conditions, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, or in the event of failure to make a determination on an application within the time specified in section eleven, the commission shall cause a certificate of hardship to be issued to the applicant.

(j) The Commission may, after public hearing, set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of an historic district, but no such determination shall limit the right of an applicant to present other designs or colors to the commission for its approval.

(k) The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes. The Commission may administer on behalf of the Town of Nantucket any properties or easements, restrictions or other interests in real property which the Town of Nantucket may have or may accept as gifts or otherwise and which the Town of Nantucket may designate the Commission as the administrator thereof. (l) The Commission shall have, in addition to the powers, authority and duties granted to it by this Act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council or town meeting.

(m) In case of disapproval, the Commission shall state its reasons therefor in writing, and it may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color and the like of the building or structure involved. Said disapproval shall be filed with the Clerk of the Town of Nantucket within twenty-one (21) days of the date of disapproval.

(n) Upon approval of the plans, the Commission shall cause a Certificate of Appropriateness, dated and signed by the Chairman, to be issued to the applicant or affixed to the plans. Said approval shall be filed with the Clerk of the Town of Nantucket within twenty-one (21) days of the date of approval.

(o) If the Commission shall fail to take final action in any case within ~~sixty (60)~~ one-hundred-twenty days (120) days after receipt of any application for a Certificate of Appropriateness or a ~~permit for removal~~ or Certificate of Nonapplicability, the case shall be deemed to be approved except where mutual agreement in writing has been reached for an extension of the time limits. See attached Addendum A for specific language for failure to act.

(p) The Commission shall have, in addition to the powers, authority and duties granted it by this Act, such other ancillary, enforcement or investigative powers, authority and duties as may be delegated or assigned to it from time to time by vote of an Annual or Special Town Meeting of the Town of Nantucket.

SECTION 10. Any person who violates any of the provisions of this Act ~~shall be guilty of a misdemeanor and, upon conviction thereof,~~ shall be fined not less than \$10 nor more than \$500, which shall be forfeited to the use of the Town of Nantucket. Each day that a violation continues to exist shall constitute a separate offense.

SECTION 10A. It shall be a violation of this Act for any person to construct or alter a building or structure without having first obtained from the Commission a Certificate of applicability Appropriateness or a Certificate of Nonapplicability; for any person to raze any building or structure without having first obtained from the Commission a Certificate of Appropriateness for such razing; for any person to construct or alter a building or structure in any way which is inconsistent with or contrary to the terms of the Certificate of Appropriateness or Certificate of Nonapplicability issued for such building or structure; or for any person to knowingly submit false, fraudulent or misleading information to the Commission in connection with any application.

~~SECTION 11. Appeals may be taken to the Board of Selectmen ("Board") by any person aggrieved by the ruling of the Historic District Commission. The Board of Selectmen shall hear and act upon such appeals promptly, and the decision of the Board shall be as determined by a majority vote of the members of the Board. Such appeals shall be taken within ten (10) twenty-one (21) days of the filing by the Commission of its Certificate of Appropriateness or Certificate of Nonapplicability with the Clerk of the Town of Nantucket, and written notice of such appeal shall be given by the appealing party to the Commission at the time such appeal is taken.~~

SECTION 11. Any person aggrieved by a determination of the Commission, or a person or persons so designated to make such determination by a vote of the Commission, may, within twenty-one (21) days after the filing of the notice of such determination with the town clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the Nantucket Regional Planning Agency. The finding of the person or persons making such review shall be filed with the town clerk within forty-five (45) days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in section 11A.

SECTION 11A. Any person aggrieved by a determination of the Commission, or by the finding of a person or persons making a review, if the provisions of Section 11 are included in a local ordinance or by-law, may, within twenty-one (21) days after the filing of the notice of such determination or such finding with the town clerk, appeal to the Superior Court sitting in equity for the Nantucket County. The court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the Commission unless it shall appear to the court that the Commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

SECTION 12. The Superior Court, sitting in equity for Nantucket County, shall have jurisdiction to enforce the provisions of this Act and the certificates, permits, determinations, rulings and regulations issued pursuant thereto and may, upon petition of the Commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation of this Act or the

substantial restoration of any building, structure or exterior architectural feature altered or razed in violation of this Act and may issue such other orders for relief as may be equitable.

~~SECTION 12. Any person or the Historic District Commission, aggrieved by a decision of the Board of Selectmen, may appeal to the Superior Court sitting in equity for the County of Nantucket, provided that such appeal is filed in said Court within 15 days after such decision is recorded. The appealing party or parties shall, at the time of filing such appeal, give notice thereof to all persons who were parties to the appeal to the Board of Selectmen, by causing to be delivered to such parties a copy of the complaint and written notice of the filing thereof. The Court shall hear all pertinent evidence and determine the facts and, upon the facts so determined, annul such decision if found to exceed the authority of such Board, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the Historic District Commission or the Board of Selectmen unless it shall appear to the Court that the Commission or the Board, in making the decision appealed from, acted with gross negligence, in bad faith or with malice. Costs shall not be allowed against the party appealing from the decision of the Historic District Commission or the Board of Selectmen unless it shall appear to the Court that said appellant or appellants acted in bad faith or with malice in making the appeal to the Court.~~

Section 13. If the city council or town meeting so votes the Historic District Commission established hereunder shall have the powers and duties of an historical commission as provided in section eight D of chapter forty and, in this event, the Commission may be entitled an historical commission.

SECTION 14. In case any section, paragraph or part of this Act be for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 15. All ordinance or by-laws creating an historic district adopted by a city or town under authority of this chapter and under authority of any special law, unless the special law shall otherwise provide, amendments thereto, maps of historic districts created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts Historical Commission.

SECTION 15. This Act shall take effect upon its acceptance by the voters of the Town of Nantucket at an Annual Town Meeting or any meeting duly called for the purpose. **(date to be determined).**

#### ADDENDUM A

F. Upon failure to act.

(1) Failure by the Historic District Commission to act within said 120 days or extended time, if applicable, shall be deemed to be the grant of the relief sought.

(2) The petitioner who seeks such approval by reason of the failure of the Historic District Commission to act within the time prescribed, shall notify the Town Clerk, in writing, within 14 days from the expiration of said 120 days or extended time, if applicable, of such approval and

that notice has been sent by the petitioner to the parties in interest stating that the Historic District Commission failed to act within the time prescribed.

(3) The petitioner shall send such notice by mail to parties in interest, and each such notice shall specify that appeals shall be filed within 20 days after the date the Town Clerk received such written notice from the petitioner.

(4) After the expiration of 20 days without notice of appeal to the Superior Court or, if appeal has been taken, after receipt of certified records of the Superior Court indicating such approval by reason of the failure of the Historic District Commission to act has become final, the Town Clerk shall issue a certificate stating the date of approval, the fact that the Historic District Commission failed to take final action and that the approval resulting from such failure has become final. Such certificate shall be forwarded to the appellant.

(5) If an appeal has been granted by reason of the failure of the Historic District Commission to act thereon within the time prescribed above, it shall not take effect until a copy of the application for grant of an appeal accompanied by the certification of the Town Clerk stating the fact that:

(a) The Historic District Commission failed to act within the time prescribed; and

(b) No court appeal has been filed and that the grant of the application or petition resulting from such failure to act has become final; or

(c) If a court appeal has been filed, it has been decided finally and favorably to the applicant, is recorded in the Nantucket Registry of Deeds and indexed in the grantor index under the name of the owner of record or is registered and noted on the owner's certificate of title. (The fee for recording or registering shall be paid by the owner or applicant.)

G. Appeal to courts. Any person aggrieved by a decision of the Historic District Commission (or by its failure to take final action upon an appeal within the prescribed time), whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the Superior Court for Nantucket County or to the Land Court under MGL c. 240, § 14A, by bringing an action within 21 days after the decision has been filed in the office of the Town Clerk (or after the date the Town Clerk received written notice from the petitioner that the Historic District Commission failed to act within the prescribed time).

*(Linda F. Williams, et al)*

## **ARTICLE 95**

### **(Real Estate Conveyance: Portions of Baxter Road)**

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or any lesser interests in all or any portion of the parcel of land bounded by a line extending the westerly sideline of Bayberry Lane across Baxter Road to the western terminus of Baxter Road for residential and access purposes, subject to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restriction;

As shown on a map entitled "2015 Annual Town Meeting Warrant Article 95" dated January 2015 and filed herewith at the office of the Town Clerk.

Or to take any other action relative thereto.



*(Board of Selectmen)*

#### **ARTICLE 96**

##### **(Real Estate Acquisition: Unnamed Way Off Baxter Road)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all of a portion of the unnamed "Way" as shown on a plan of land entitled "Plan of Land in Nantucket, Scale 30 feet to an Inch, May 11, 1923, William S. Swift, Surveyor" and being Land Court Plan No. 9448A filed with the Nantucket Registry District of the Land Court for public way and/or general municipal purposes;

and to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 96" dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 97**

##### **(Real Estate Disposition: Unnamed Way Off Baxter Road)**

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or any lesser interests in all or any portion of the land shown as the unnamed "Way" on a plan of land entitled "Plan of Land in Nantucket, Scale 30 feet to an Inch, May 11, 1923, William S. Swift, Surveyor" and being Land Court Plan No. 9448A filed with the Nantucket Registry District of the Land Court, subject to Chapter 30B of the Massachusetts General Laws, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions;

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 97" dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 98**

##### **(Real Estate Conveyance: Industrial Land)**

To see if the Town will vote to amend the vote taken under Article 75 of the 2013 Annual Town Meeting by adding, in addition to the authority to lease the land for 99 years, the authority of the Board of Selectmen to sell or convey or otherwise dispose of the fee or lesser interests in all or any portion of Lots F and G, and Shadbush Road between said parcels, not exceeding five (5) acres, as shown on a plan entitled "Subdivision Plan of Land" dated May 10, 2010 on file at the Nantucket Registry of Deeds at Plan No. 2010-62, which parcels, respectively, are located at 3 Shadbush Road, Nantucket, MA, shown as Map 78, Parcel 4.5, and 11 Industry

Road, Nantucket, MA, shown as Map 69, Parcel 295 subject to compliance with Chapter 30B of the Massachusetts General Laws and a finding by the Board of Selectmen that such conveyance furthers community planning and environmental protection goals and further provided that the Board of Selectmen is authorized to include conditions that restrict the use of said parcel to energy-related uses and/or any other restriction, condition or requirement at its discretion to ensure that the use of the subject land meets community goals as identified above; and further that the Board of Selectmen may retain any easements or other property interests in said parcels prior to any conveyance.

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 98" dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 99**

##### **(Real Estate Disposition: Long-term Lease Authorization for Town-owned portions of 16 Vincent Circle and Ticcoma Way fka 2 Fairgrounds Road)**

To see if the Town will vote to transfer all or any portion of the Town-owned property located at 16 Vincent Circle (shown on Assessors Map 67, Parcel 710) not including Lots A, B and C situated off Ticcoma Way and shown on a plan entitled "Subdivision Concept Plan Prepared for the N.P. & E.D.C.," dated September 5, 2013, prepared by Blackwell & Associates, Inc. as voted in accordance with Article 101, 2014 ATM, and 2, 4, 6, 8, 10, 12, 14, and 16 Ticcoma Way (shown on Assessors Map 67, Parcels 700, 701, 702, 703, 704, 705, 706 and 707), from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purposes of conveyance or lease, and further to authorize the Board of Selectmen to use or convey, lease or otherwise dispose of all or any portions of the property for affordable housing purposes or municipal sponsored housing of any kind including but not limited to housing for seasonal and / or permanent employees of the Town or County of Nantucket, and for roadway, access, and utility purposes to serve said housing and any surrounding property including but not limited to 2 and 4 Fairgrounds Road, subject to Chapter 30B of the Massachusetts General Laws.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 100**

##### **(Long-term Lease Authorization: Airport Road Parcel)**

To see if the Town will vote to authorize the Airport Commission to lease for a lease term not to exceed twenty (20) years, a portion of the following Town-owned property located at 10 Airport Road, a portion of the property shown on Assessors Map 68, Parcel 310 and a portion of the property shown on Assessors Map 78, Parcel 1, described as Airport Gas Station Parcel, subject to Chapter 30B of the Massachusetts General Laws.

Or to take any other action related thereto.

*(Board of Selectmen for Airport Commission)*

## **ARTICLE 101**

### **(Real Estate Conveyance: Miscellaneous Land)**

To see if the Town will vote to transfer the care, custody, management and control of the parcels listed below to the Board of Selectmen for the purpose of conveyance and authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of any portion of the subject land listed below, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions as the Board of Selectmen deem appropriate including but not limited to One Big Beach Easements, and access and parking rights in regard to the following land:

- Assessors Map 39, Parcel 8, Eel Point Road;
- Assessors Map 32, Parcel 23, 43 Eel Point Road;
- Assessors Map 33, Parcel 10, Eel Point Road;
- Assessors Map 67, Parcel 345, 1 Miacomet Road;
- Assessors Map 67, Parcel 681, 3 Miacomet Road;
- Assessors Map 67, Parcel 346, 9 Miacomet Road;
- Assessors Map 59, Parcel 28, 2 Long Pond Drive;
- Assessors Map 41, Parcel 29, 48 Cliff Road;
- Proprietors Road, Parcels 1, 2 and 3, on Plan 2014-64, Off Hummock Pond;
- Assessors Map 60.3.1, Parcel 381, 8 Rhode Island Avenue;
- Assessors Map 60.3.1, Parcel 383/385 6 Rhode Island Avenue;
- Assessors Map 60.3.1, Parcel 390, 5 New Hampshire Avenue;
- Assessors Map 74, Parcel 52, 24 Low Beach Road;
- Assessors Map 88, Parcel 5, 42 Nobadeer Avenue;
- Assessors Map 59.3, Parcel 293 and 294, Madaket Road;
- Assessors Map 71.3.2, Parcel 216, 12 Devon Street;
- Assessors Map 71.3.2, Parcel 234, 4 Devon Street;
- Assessors Map 60, Parcel 19, 3 Baltimore Street;
- Assessors Map 76.1.3, Parcel 92, 17 Clarendon Street.

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 101” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 102**

### **(Real Estate Acquisition: “Paper” Streets at the Airport; Cliff, Eel Point, Madaket, Monomoy, Siasconset, Surfside and Town Areas; Parcels at 24 Berkley Street in Tom Nevers; Beach at Surfside)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of the following

unconstructed rights of way and two (2) parcels identified below, together with any public and private rights of passage, for public ways, open space, airport purposes, conveyance and/or general municipal purposes:

- Old South Road between a line extending across said way at the intersection of the easterly property line of Assessors Map 69, Parcel 66 (132 Old South Road) to a line extending across said way extending the western sideline of Bunker Road (Airport);
- Hinsdale Road between a line extending across said way at the intersection of the easterly property line of Assessors Map 69, Parcel 30.3 (114 Hinsdale Road) to the western sideline of Bunker Road (Airport);
- Atlantic Avenue between the northern sideline of Kimball Avenue and its northern termini (Cliff);
- Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);
- Unnamed Ways between Eel Point Road and Madaket Harbor, in the vicinity of the Eel Point Road and East Eel Point Road intersection (Eel Point);
- Eel Point Road between a line extending the southern property line of Assessor Map 38, Parcel 32 through said way to a line extending the northern property line of Assessor Map 38, Parcel 1 through said way (Eel Pt);
- Mississippi and Utah Avenues between the western sideline of Oakland Street and their western termini (Madaket);
- Oakland Street between the southern sideline of Madaket Road and the northern sideline of Arkansas Avenue (Madaket);
- Washington Avenue between the eastern sideline of North Cambridge Street and the western sideline of Oakland Street not including any portion of K or M Streets (Madaket);
- L Street between the southern sideline of Tennessee Avenue and the northern sideline of Washington Avenue (Madaket);
- Warwick and Clinton Avenues as shown on Land Court Plan 14029-C (Monomoy);
- Unnamed Way between the southern sideline of Ann's Lane and the northern property line of Assessors Map 49.2.3, Parcel 53 (3 Emily Street) (Siasconset);
- Two (2) Unnamed Ways between the eastern sideline of Unnamed Way and the western sideline of Baxter Road (Siasconset);
- Adeline Street between the southern sideline of Emily Street and the northern property line of Assessors Map 73.1.4, Parcel 32 (1 Rosaly Lane) (Siasconset);
- Morgan Lane between the western sideline of Baxter Road and the eastern sideline of Adeline Street (Siasconset);
- Five (5) Unnamed Ways between the eastern sideline of Baxter Road and the western property line of Assessors Map 48, Parcel 8 (owned by the Town) between numbers 111-113 Baxter Road, 105-107 Baxter Road, 99-101 Baxter Road, 93-97 Baxter Road and 85-87 Baxter Road (Siasconset);
- Atlantic Avenue between the eastern sideline of Masquetuck Street and the western sideline of Holly Street (Surfside);
- Owners unknown parcel bounded westerly by Masquetuck Street, northerly by Atlantic Avenue, easterly by Holly Street, and southerly by the Atlantic Ocean for open space purposes (Surfside);
- Lovers Lane as shown on Plan No. 2012-49, filed at the Registry of Deeds (Surfside);

- Plover Lane from the eastern sideline of South Shore Road to the western property line of Assessors Map 80, Parcel 219 (owned by the Nantucket Islands Land Bank)(Surfside);
- 24 Berkely Street, Assessors Map 76.1.3, Parcel 209 (Tom Nevers);
- Black Horse Court within Assessors Map 42.4.2, Parcel 30 (16 Broad Street) (Town);
- Unnamed Way between the northeastern sideline of Washington Street and the western sideline of Candle Street (Town);
- West Chester Street (portion of) extending through Assessors Map 41, Parcel 486 (5 Wannacommet Road) and triangular portion at northwest corner of Assessor Map 41, Parcel 480 (21 Crooked Lane) (Town);
- Unnamed way between a line extending across said way at its intersections with West Chester and Franklin Streets abutting 3,3R,and 5 Franklin Street and 42, 44 and 44R West Chester Street (Town);
- Unnamed Way or Road within or adjacent to Tax Assessor Map 56, Parcels 210, 210.1, 211, and 212 (Town);
- North Mill Street between the southern sideline of Prospect Street and the northern sideline of Vesper Lane (Town);
- Unnamed Way (on the east side of Assessor Map 55, Parcel 20) between the southern sideline of an unnamed way and the northern sideline of Vesper Lane (Town);
- Unnamed Way between the eastern sideline of N Mill Street and the western sideline of Prospect Street (Town);
- Triangular portion of Prospect Street in vicinity of Unnamed Way and Prospect Street intersection (Town);
- Mill Hill Lane between the northwestern boundary of Assessor Map 55, Parcel 319 and the eastern sideline of N Mill Street (Town).

And to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 102” dated January 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen)*

### **ARTICLE 103**

**(Real Estate Conveyance: “Paper” Streets” in Cliff, Eel Point, Madaket, Monomoy, Siasconset, Surfside and Town Areas; Parcel at Beach at Surfside)**

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of land identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales Program” on file at the Board of Selectmen’s office, such disposition to be on any such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Atlantic Avenue between the northern sideline of Kimball Avenue and its northern termini (Cliff);
- Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);
- Unnamed Ways between Eel Point Road and Madaket Harbor, in the vicinity of the Eel Point Road and East Eel Point Road intersection (Eel Point);
- Eel Point Road between a line extending the southern property line of Assessor Map 38, Parcel 32 through said way to a line extending the northern property line of Assessor Map 38, Parcel 1 through said way (Eel Pt);
- Mississippi and Utah Avenues between the western sideline of Oakland Street and their western termini (Madaket);
- Oakland Street between the southern sideline of Madaket Road and the northern sideline of Arkansas Avenue (Madaket);
- Washington Avenue between the eastern sideline of North Cambridge Street and the western sideline of Oakland Street not including any portion of K or M Streets (Madaket);
- L Street between the southern sideline of Tennessee Avenue and the northern sideline of Washington Avenue (Madaket);
- Warwick and Clinton Avenues as shown on Land Court Plan 14029-C (Monomoy);
- Unnamed Way between the southern sideline of Ann's Lane and the northern property line of Assessors Map 49.2.3, Parcel 53 (3 Emily Street) (Siasconset);
- Two (2) Unnamed Ways between the eastern sideline of Unnamed Way and the western sideline of Baxter Road (Siasconset);
- Adeline Street between the southern sideline of Emily Street and the northern property line of Assessors Map 73.1.4, Parcel 32 (1 Rosaly Lane) (Siasconset);
- Morgan Lane between the western sideline of Baxter Road and the eastern sideline of Adeline Street (Siasconset);
- Atlantic Avenue between the eastern sideline of Masquetuck Street and the western sideline of Holly Street (Surfside);
- Owners unknown parcel bounded westerly by Masquetuck Street, northerly by Atlantic Avenue, easterly by Holly Street, and southerly by the Atlantic Ocean (Surfside);
- Lovers Lane as shown on Plan No. 2012-49, filed at the Registry of Deeds (Surfside);
- Plover Lane from the eastern sideline of South Shore Road to the western property line of Assessors Map 80, Parcel 219 (owned by the Nantucket Islands Land Bank) (Surfside);
- West Chester Street (portion of) extending through Assessors Map 41, Parcel 486 (5 Wannacommet Road) and triangular portion at northwest corner of Assessor Map 41, Parcel 480 (21 Crooked Lane) (Town);
- Unnamed way between a line extending across said way at its intersections with West Chester and Franklin Streets abutting 3, 3R, and 5 Franklin Street and 42, 44 and 44R West Chester Street (Town); and
- Unnamed Way or Road within or adjacent to Tax Assessor Map 56, Parcels 210, 210.1, 211, and 212 (Town);
- Unnamed Way (on the east side of Assessor Map 55, Parcel 20) between the southern sideline of an unnamed way and the northern sideline of Vesper Lane (Town);
- Triangular portion of Prospect Street in vicinity of Unnamed Way and Prospect Street intersection (Town);

- Unnamed Way (on the north side of Assessor Map 55, Parcel 3) between the western sideline of Prospect Street and a line extending the western sideline of an unnamed way (on the west side of Assessor Map 55, Parcel 3) (Town);
- A portion of Parcel P-2, shown on Plan 49-O filed at the Nantucket County Registry of Deeds, adjacent to 121 Washington Street (Town).

All as shown on a map entitled “2015 Annual Town Meeting Warrant Article 103” dated January, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 104**

##### **(Public Ways: Coffin, Fayette, Meader and Francis Streets)**

To see if the Town will vote to accept Coffin, Fayette, Meader and Francis Streets between Washington Street and Union Street as public ways, as laid out by the Board of Selectmen; and further to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise the fee or any lesser interest in said roadways; and, to raise and appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; or to take any other action relative there.

*(Board of Selectmen)*

#### **ARTICLE 105**

##### **(Real Estate Disposition: 40 and 42R Sparks Avenue)**

To see if the Town will vote to: authorize the Board of Selectmen to sell, lease, or otherwise dispose of the following properties and any portions thereof and interests therein for funeral home purposes, subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

- Assessors Map 55 Parcel 602 known as 40 Sparks Avenue, and
- Assessors Map 55 Parcel 603 known as 42R Sparks Avenue;

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

#### **ARTICLE 106**

##### **(Real Estate Disposition: 3 Shadbush Road)**

To see if the Town will vote to: authorize the Board of Selectmen to sell, lease, or otherwise dispose of the following property and any portions thereof and interests therein for funeral home purposes, subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

- ID 78 4.5 known as 3 Shadbush Road;

Such portion of said property should equal, at minimum, an acre, and more if environmental mitigation land is needed.

Or to take any other action related thereto.

*(Catherine Flanagan Stover, et al)*

#### **ARTICLE 107**

##### **(Real Estate Conveyance: "Paper Streets" at the Airport)**

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of land identified below, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions in regard to the following land:

-- Old South Road between a line extending across said way at the intersection of the easterly property line of Assessors Map, 69, Parcel 66 (132 Old South Road) to a line extending across said way extending the western sideline of Bunker Road (Airport);

-- Hinsdale Road between a line extending across said way at the intersection of the easterly property line of Assessors Map 69, Parcel 30.3 (114 Hinsdale Road) to the western sideline of Bunker Road (Airport).

All as shown on a map entitled "2015 Annual Town Meeting Warrant Article 107" dated January, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 108**

##### **(Real Estate Conveyance: Creation of a Public Way for Beach Access)**

To see if the town will vote to transfer the portion or portions of land shown on a plan filed at the Nantucket Registry of Deeds as Plan 2012-20 Filed on 04/04/2012, and a portion of said plan set forth on a sketch plan titled with in this article as, "CREATION OF A PUBLIC RIGHT OF WAY ON EVERRET STREET AND ALONG AIPORT FENCE LINE TO ACCESS BEACH" from the Board of Selectman for such and also for the purpose of establishing an easement and public right of way for access to the beach including parking improvements and for the purpose of conveyance and further authorize the Board of Selectman to convey said portion of land to the Nantucket Islands Land Bank for public beach access purposes and installation of stairs to the beach. And further to see if the town will vote to raise and to appropriate, borrow, pursuant to any applicable statute, or transfer from available funds, for the survey and clearing and constructing the easement, right of way and parking area improvements completed hereunder on the Lot 88 61 in Nantucket Registry of Deeds Book 84, Map 162 and 88 17 in Nantucket Registry of Deeds Book 81, and Map 416 located at the Nantucket registry of Deeds as well as a paper street known as Everett St located on Map 2012-20 Filed with the Nantucket Registry of Deeds on 04/04/2014. Designate the area of land



between the existing fence running northerly, of gate 29 (as it was located on 11/2014) to Madequecham road shall be cleared to the northerly property line of lot 88 61 from the existing fence line easterly to the eastern portion of the paper road known as Russell street. This area shall be designated as easements and a public right of way with stone markers to allow direct access to the beach via the newly created easement and along the portion of the paper road known as Everett St also listed as lot 111 on map 2014-011 filed with the Nantucket Registry of Deeds. Further, parking shall be allowed along the fence on Map 88 Parcel 61 and Map 88 parcel 17 and south of the Airport fence on Everett Rd also known as Lot 111 map 2014-011 filed with the Nantucket Registry of deeds to the easterly portion of Russell Street.

Further, if approval of the General Court is needed for any portion of this transaction, Or any governmental body or authorizing agency, to authorize the Board of Selectman to petition the general court or any governmental body or authorizing agency for the same, that the Town's representatives in the General Court be requested to introduce legislation set forth, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth with in this article:

And any action needed there to.

*(Thomas Barada, et al)*

#### **ARTICLE 109**

##### **(Real Estate Conveyance: Madequecham Valley Road)**

To see if the Town will vote to transfer land recorded at the Nantucket Registry of Deeds as shown on the plan entitled "PLAN OF LANDS SURFSIDE NANTUCKET< MASS" Dated September 1972 and prepared by Essex Survey, Ince, filed with the Nantucket Registry of Deeds as Plan File 3-D and other plans whether or not reference to in this deed and further is also known as block 294 as shown on the Nobadeer Plan and is also deed recorded in book 75 page 183, and further is also known as Town of Nantucket Assessor's Map 88 parcel 63 and containing approximately 47,916 square feet (1.10 acres) of land, and described as shown on a sketch plan entitled "Madequecham Valley Beach Public Access " and filed here with in, from the Board of Selectman or Airport Commission, subject to G.L. c. 30B, for the purpose for which it is currently held to the Board of Selectman for the purpose of creating an easement of public right of way with access to the beach and public parking on said parcel and for the purpose of conveyance and to sell, convey, grant or otherwise transfer the fee, conservation restriction or other lesser interests in all or any portions of the parcel of land to the Nantucket Islands Land Bank or a governmental body or non-profit entity, whose purpose includes the conservation of open space, for conservation, open space or recreational purposes including creation of public use and access to the beach or take any action related thereto.

*(Thomas Barada, et al)*

## **ARTICLE 110**

### **(Appropriation: Stabilization Fund)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2015 tax levy.

Or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 111**

### **(Appropriation: Free Cash)**

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

*(Board of Selectmen)*

\*\*\*\*\*

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

*In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on*

***TUESDAY, THE FOURTEENTH DAY OF APRIL, 2015  
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

*for the following purpose:*

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Moderator	One for a term of one year
Selectman	One for a term of three years
School Committee	Two for terms of three years
Historic District Commission	One for a term of three years
Historic District Commission Associate	One for a term of three years
Community Preservation Committee - At Large	Two for terms of two years
Nantucket Housing Authority	One for a term of five years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Water Commission	One for a term of three years
Siasconset Water Commission	One for a term of three years

And, to cast their vote as "YES" or "NO" on the following ballot question:

1. *Debt exclusion override question pursuant to G. L. Chapter 59, s. 21C(k):*

Shall the Town of Nantucket be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay costs of professional services for design, permitting, architecture, construction supervision, and other related professional services for the construction, installation and equipping of a fire station at 4 Fairgrounds Road, including the payment of all costs incidental and related thereto?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

2. *Debt exclusion override question pursuant to G. L. Chapter 59, s. 21C(k):*

Shall the Town of Nantucket be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay costs of professional services for design, permitting, architecture, construction supervision, and other related professional services, for the construction, installation and equipping of new, and/or additions to existing, school buildings, including land acquisition costs and the payment of all costs incidental and related thereto?

\_\_\_\_\_YES

\_\_\_\_\_NO

\*\*\*\*\*

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting and election aforesaid.

Given under our hands this 21<sup>st</sup> day of January in the year Two Thousand Fifteen.

\_\_\_\_\_  
Rick Atherton, Chairman

\_\_\_\_\_  
Robert DeCosta, Vice Chairman

\_\_\_\_\_  
Bruce D. Miller

\_\_\_\_\_  
Matthew G. Fee

\_\_\_\_\_  
Tobias Glidden

SELECTMEN OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January 21, 2015 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on \_\_\_\_\_ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

\_\_\_\_\_  
Catherine Flanagan Stover, Constable